XEROX

Xerox University Microfilms
Ann Arbor, Michigan 48106

WESTERN AMERICANA

Reproduced from the original in the collection of
THE UNIVERSITY OF ILLINOIS LIBRARIES

FRED D. WARREN

The Fighting Editor of the Militant Appeal to Reason

Your speech was a brave and masterly statement of the exact truth, which should be known to every American, the truth which shall eventually set us all free. That such a masterly summing up of the actual conditions today will live and be handed down as an epoch-making utterance in this forward movement of the human race, I consider certain. It has the true historic ring; and as long as language lasts, as long as the love of liberty persists, your words will be enshrined in the hearts of humanity. —Geo. Allan England, Peaks Island, Me.

"The Fighting Editor"

— OR —

"Warren and the Appeal"

A word picture of the APPEAL TO REASON office.
Biography of Fred D. Warren. History of events leading up to his sentence to serve six months in prison
and pay a fine of $1,500. His speeches before
the Federal Court at Fort Scott, Kansas
and the Appellate Court at St. Paul,
Minnesota. Personal and press
comments, etc.

SECOND EDITION — REVISED
AND ENLARGED

By GEORGE D. BREWER

Price, 50 Cents

1910
PUBLISHED BY GEORGE D. BREWER
GIRARD, KANSAS
89

B
W289b
1910

Persecution, where is thy sting?

Oppression, where is thy power?

It is a historical fact that out of persecution and oppression have grown civilization's brightest flowers. We do not fear thee. We know that the glorious tomorrow with its crimsoned-hued promise of brotherhood belongs to us and to our children.—Fred D. Warren, at New Castle, Pa., July 19th, 1910.

Kohn & Andrea Rel 16 Dec 46 Kraemer 31 Jan 47 OXTOBY

Foreword.

My connection with the Appeal to Reason began on May 18, 1908. I started in as assistant circulation manager. Being an active Socialist, in a small way, during college days, I naturally took to the Appeal work and soon had a department of my own. After serving the paper almost six years, my connection with it was severed to enable me to take up active field work on the lecture platform.

During this time I learned more of the trickery and treachery of Capitalism, expressed in various ways by individuals with corporate interests behind them, of the deliberate attempts on the part of cycophants and tools of commercialism in the postoffice department to throttle free press in America than I ever dreamed could exist in a civilized government. The persistent and unscrupulous efforts to strike at the heart of the Appeal to destroy its life, with the life of the cause it represents, would hardly be believed by one not able to look behind the curtain and see things as they are in this age of progress in a free (?) country.

My intimate association with the principal character in this volume, Fred D. Warren, began early in January, 1904, when the "Coming Nation," a Socialist propaganda paper published at Rich Hill, Mo., by the Warren brothers and E. N. Richardson, consolidated with the Appeal to Reason and Mr. Warren began the second chapter of his career with the paper, having served a term on its staff some years previous to that time.

As a man of rigid honesty and integrity, Fred D. Warren has never been questioned, even by his bitterest political enemy—(a personal enemy he never had). Clean and pure in habits and morals, above reproach in all dealings with his fellow men, Warren is a man who commands the respect of all. Absolutely fearless when a questin of principle is involved, he has never been known to shirk a duty. He is so modest and retiring by nature that to the stranger he is apt to seem distant and unsociable. As a rule strangers, upon being introduced to him, remark their surprise. They usually express themselves as expecting to meet a man about six feet four in height, and two hundred and twenty-five or fifty pounds in weight, and they simply can't believe that this boy in appearance, except certain mature and resolute facial lines, and hair fast turning gray on a splendidly set head, is really Fred D. Warren, the Fighting Editor of the Appeal to Reason.

My intimate association with Mr. Warren and his case (I was the only witness used in his defense) and my official connection with the Appeal for almost ten years should abundantly qualify me, I trust, for this work, which so many of his friends have urged me to undertake.

This is my only apology for offering the story of the Warren case to the public.

George D. Brewer.

APPEAL TO REASON BUILDING, GIRARD KAS.

The Appeal to Reason.

If you should sojourn to Girard, Kan., a town of three thousand population, located in the southeastern corner of the state, you would find one of the most quiet, serene little burgs on earth, much like any other county seat town of its size. You would find the town bum, the town philosopher, the freak and the bully with all the other essentials that go to make up the normal third-class city.

On the way from the depot to the center of town, going west, you pass a large brick build- on the south side of the street and naturally inquire what building it is—everybody does. It is the Appeal to Reason, known to the Appeal Army as the "Temple of the Revolution"; a two-story structure with a basement, eighty feet wide by one hundred feet long, containing thirty thousand square feet of floor space, every foot of which is occupied by machinery, type cases, book bins, desks and other necessities for handling the gigantic business of the institution.

Every one of the twenty or more machines, from the pamphlet stitcher to the monster three-deck color Goss cylinder press, capable of printing, folding and counting four hundred twelve-page papers per minute, is run by its own individual electric motor, with power furnished by the municipal lighting plant.

The stranger is struck with awe at the magnitude of the institution. Perhaps from some city where large printing establishments are common, he will, nevertheless, open his eyes in wonder when he sees the Appeal plant in action, has the intricacies of the establishment explained, and is made familiar with the system used in handling the business.

Having escorted hundreds of visitors over the plant I will endeavor to give the reader a passing view of its interior on paper.

We will enter the building at the main entrance on the north, turn to the left and pass through the door into the business and clerical department, where the letters are all received, opened, read and orders recorded. Here you will see some twenty-five or thirty young women at work on the filing cases, addressing envelopes for circular letters, carding mail, filing letters, typewriting, marking off dead names from the subscription list (that is, expired names), and other work of like character. Every employe will be doing her particular work with a dispatch and care that will at once denote to the stranger that she is an expert in her line. The room in which this work is done is very long, reaching the full length of the building, by twenty feet in width. It contains eleven windows, thus furnishing the employes with an abundance of light and air.

Passing down the room between the long lines of desks we walk out at the south door on the right and into the press and mailing room. Here is to be seen one of the largest printing presses west of the Mississippi river, with the chief pressman, J. A. Chapman, and his assistants, all busy at their posts, watching with trained eyes the working of every wheel and cog for the least irregularity.

Two young men are occupied in carrying the papers that are belching from this gigantic press at the rate of four hundred per minute, a distance of twenty feet to the mailing tables, where some fifteen or twenty young men and women are busy as bees wrapping, tieing and sacking the papers to be carted away by the man employed to haul the mail to the trains. With a horse and large mail wagon he is kept busy almost all week making the journey from the Appeal to the depot, a distance of two blocks, and back again. I would incidentally state that the Appeal is a sub-station of the Girard postoffice.

From this room we will pass up the back stairs or go up on the freight elevator, to the composing and editorial rooms which occupy the second floor. Here we will find the job presses, four in number, three linotypes, book presses, cutters, folders and stitchers, all busy at their particular work. Some twenty-five employes on this floor, of both sexes, all working with the same spirit of interest and earnestness as was witnessed in the work of those in the clerical, press and mailing rooms.

Presuming everything is favorable for admittance to the editorial rooms we will enter. These rooms where the brain-work of the institution is carried on are located in the southeast corner of the second floor, directly joining the composing rooms. Upon entering, the first we encounter will be Grace D. Brewer, the army and party editor; then "Push," Charles Lincoln Phifer, associate editor; Geo. H. Shoaf, the war correspondent; H. G. Creel, circulation editor; Eugene V. Debs, chief editorial writer, and Fred D. Warren, the editor who has charge of the editorial policy of the Appeal to Reason.

There is not a single dynamite bomb in sight and to look at each one of the smooth-faced editors carefully you would be unable to discern in their appearance the least indication of the dynamiter. Strange to say, not one of them looks as if they would harm a rabbit. They seem to be as peaceful a set of persons as one would care to find. You would be treated with the kindest consideration and come away with the feeling that these men were normal human beings with hopes, aspirations and loves the same as any other person. Entirely different from the impression thousands of people have regarding these principal characters on the Appeal force.

I recall an incident of this sentiment expressed by the father of a personal friend of the staff a few years ago. The son lived in Girard and the father was visiting from a distance. They were going through the Appeal and at last arrived at the editorial rooms when the father hesitated, for what reason he did not say, but was at last prevailed upon to continue. Arriving on the interior, the son in a joking way said to the father: "Here is the den of the chief anarchists, the high arch dynamiters." After a short visit they took their departure. It was several days later that I met the son and he told me that after he and his father were outside of the Appeal office the father seriously counseled him to be careful, as he deemed it dangerous to speak in the manner he did when talking in the presence of the Appeal editors. He said from what he had heard it was unsafe to arouse their enmity.

Of course we had a good laugh over the incident, although with the father, who was a total stranger, it was really serious.

From the editorial rooms we will pass back through the composing room and descend to the first floor by the front stairs; at the foot of the stairs we enter the door to the left, instead of passing out at the front entrance where we came in and find ourselves in quite a large room, occupied by one lone individual at a lone desk with a typewriter attached. Upon opening the door a head will invariably appear over the top of the desk and a pair of keen grey eyes mildly look into your very soul, a smile will appear on the otherwise rather stern face, while one long arm will reach out to grasp your hand and the other almost automatically place a chair at your disposal, the lips will part and an ever ready "Howdy" is emitted with the succeeding "sit down." While you are seating yourself you will hear the question: "Are you a Socialist?" Perhaps you answer, "No, sir." Immediately the question is flashed: "Why not?" From this you are into it. We have seen the "One Hoss,"—"J.

A." we call him—miss his dinner many times in an effort to convert some non-Socialist. If you are a Socialist, Comrade Wayland will greet you with a warmth that is genuine and entertain you most royally for about twenty mintues, at the termination of which time he will courteously dismiss you. If you were not a Socialist he would devote a whole day to you, patiently explaining the philosophy, but if you were in accord with his ideas he would feel that you didn't need him, and you woudn't. You, as a Socialist, would not be offended when he explained how important was his work.

As we pass out you will stop and register at the desk provided for that purpose, and take with you one of the "visitor's cards," a supply of which will be found on the desk containing the register, and read as you pass up the street the following little history of the plant:

"The Appeal to Reason was established at Kansas City, Mo., August 31, 1895. It did not have a subscriber. It was moved to Girard, Kan., February, 1897. In its growth it is now occupying the fifth building, moving into larger quarters each time. The present building was built for it, and is eighty by one hundred feet, two stories and basement. It employs an average of sixty people and has a weekly pay-roll exceeding $1,000. It has the finest machinery used in the printing business. It is printed on a three-deck, straight-line Goss machine that prints four hundred twelve-page papers, in colors, folded, per minute, when desired. It has three Mergenthaler linotypes, two book presses, four jobbers, a book folding machine, a letter folder, cutters, stitchers, etc. Sixteen typewriters are used in the office. It has 450,000 subscribers, and the average edition is 550,000 each week, including bundle sales. The names of the subscribers occupy 1,400 galleys, each 8x24 inches, and requires fifteen tons of linotype metal to set it up. It uses a car of paper per issue, has used as many as six cars on special editions. Its greatest issue was 3,100,000, printed on March 31, 1906, and known as "The Rescue Edition." It printed 25,000,000 in 1908 and paid $22,000 postage. It uses a barrel of ink per issue. It has seven editors who devote all their time to the matter that goes into it: J. A. Wayland, Fred D. Warren, E. V. Debs, G. H. Shoaf, C. L. Phifer, H. G. Creel and Grace D. Brewer. This is the largest corps of editors used by any paper of its size in America. Each of its twenty-one machines is operated by its individual motor, power supplied by municipal light plant.

"The labor commissioner of Kansas reports it as the best plant in Kansas for ventilation, short hours, rate of wages and protected machinery. Employes work 47 hours per week, and wages range from $6 to $25 per week. The shop is union from top to bottom. No one under eighteen years of age will be employed. Placed end to end, the papers printed last year would make a ribbon 14,200 miles long and two feet wide.

"The postage paid by the Appeal has given Girard, a town of less than 3,000 population, free mail delivery, which is the smallest town in the United States entitled to this privilege. The receipts of the Girard postoffice are greater than any city in Kansas."

No revolutionary movement in all the world's history ever possessed so great a printing plant for the propagaation of its principles, as you have just been through. There are other and larger print shops in the United States, but they are used solely for the purpose of fastening still more firmly the chains of wage slavery upon the people.

In the old days men fought with swords, guns and cannon; the Appeal to Reason, with its forty thousand active, faithful Army is fighting a battle more portentous than any ever before waged, but with literature and reason, appealing to the intelligence of the people that they may learn to use their ballots right and thus avoid the probable use of bullets. The capitalist system, like a boulder tearing its way down the mountain side, is rushing on to its destruction. Ballots used intelligently by the people, before it is too late, will tide society over the danger into the new system of co-operation where all mankind will have equal opportunities, and poverty, destitution and class wars will be no more. Without the intelligent use of ballots the present system is destined to bring on a condition in society where bullets and dynamite will play their horrible parts with chaos and anarchy resulting, the outcome of which no man can foresee.

Fred D. Warren

To those who intimately know Fred D. Warren, and who understand the law of heredity and environment, it is unnecessary to more than mention the splendid stock of his parents. They were poor, 'tis true, but through their veins coursed the best of American blood. Their progeny, brought up under their loving care, was destined to be a source of infinite joy and pride to these good people in their declining years.

Fred is the eldest of three children in this branch of the Warren family. He was born in the village of Arcola, Ill., on March 24, 1873. When but two years of age his parents moved to Ohio, where they remained three years, and then returned to Illinois, locating in the town of Odin. From this place they went to Fort Scott, Kan., in the year 1882, and Fred, then a boy of ten, went to work for the Western Union Telegraph Company as messenger, in which capacity he served one year, when E. N. Firestone, a local job printer and an intimate friend of the Warren family, offered him a position in his shop. The lad eagerly accepted this offer and worked faithfully as "devil" in the Firestone printing establishment for two years.

Again the parents, hoping to better their condition, removed to Rich Hill, Mo., in 1885, where Fred D. Warren, now the head of the greatest political weekly paper in the world, completed his apprentice work and became a full-fledged printer by trade.

His bitter struggle to acquire the splendid education he now has may never be written, as he is too modest to tell it himself.

At the age of eighteen he started a republican paper in Rich Hill, with a vigor and determination never equaled in that section. To demolish the democratic party, and every other political organization opposed to the policy of the "Grand Old Republican Party" was his ambitious mission. I have often heard him remark, when some particularly savage thrust was aimed at Socialists in general and the Appeal in particular by some rank republican or democratic paper, that the writer of the article was gentle and caressing compared to what he used to be. He frankly admits that he was the MEANEST republican in the state of Missouri, the most uncompromising and vitriolic in denunciation of everything that even hinted of opposition to his republicanism. A democrat was about the meanest wretch on earth, while a Socialist—heavens! If the people would do as he felt they should, not one of these believers in such a devilish doctrine would escape hanging or deportation from the country. He was firmly convinced, at that time, that they were the direct agents of the devil or some other infernal agency.

In June, 1895, Mr. Warren was married to Miss Hattie B. Barton, an accomplished young lady of Rich Hill.

Here it should be said that Fred D. Warren had been raised a Methodist. His parents, grandparents and great-grandparents had been devout followers of the John Wesley faith. They had lived their lives as nearly in conformity with the teachings of the lowly Nazarene as was possible, and the struggling young editor was as uncompromising in his religion as he was, and ever had been, with all things he conceived to be right.

He had for several years been one of the most prominent Sunday school superintendents in that section of the state, and as a consistent Christian, had, through his paper, fought with unremitting intensity every form of vice with which he was familiar, particularly the liquor traffic. He had no compromise to offer the saloons and fought them in and out of season.

He was proud of the clean politics of his party. The republican party, in his mind, was the personification of all that was pure and undefiled, and because of this honest belief on his part he ardently threw his life and energy into its support.

During the campaign of 1892 he was invited to meet with the principal republican politicians of Rich Hill to map out a plan of campaign for the ensuing election. Among the principal republican leaders who gathered in this caucus were two saloon keepers, another prominent Sunday school superintendent, of the Presbyterian faith, and several other highly respected church members of Rich Hill. The most important question discussed in this meeting, and the one that took up the greater part of the time, was how to raise funds with which to buy whiskey and beer for the miners in the adjacent mining camps.

This, together with other brazenly broached topics of a similar character, was the most humiliating blow the ambitious young editor had ever experienced. Could it be possible that this was a sample of republican methods? He had heard through the enemies of the republican party that "politics were politics" and that the republicans were as corrupt as any other party, but all such stories he had branded, conscientiously, as unvarnished lies circulated for the sole purpose of discrediting and dragging in the mire of corruption the fair name of the party of Abraham Lincoln.

This meeting of leading republicans was indeed an eye-opener to the honest young partisan. He would investigate a little further into the methods pursued by his party. The more he investigated, the more he learned of its corruption. He found that the most "exalted" positions were attained through bribery, hypocrisy and graft; and that the party which he had so valiantly and conscientiously supported was, to his shame, rotten from top to bottom.

His conscience would not permit him to publish a paper in the interest of such a corrupt concern once he learned the truth. He would not lend his support to a party that was so shamelessly imposing on the American people and desecrating the honorable name of Lincoln.

In the face of the protest of a host of friends, with political prestige and influence within easy grasp, and a brilliant future smiling dwn upon him, he cast it all under his feet and stood alone, with principle untarnished, the most priceless possession man ever had. He sold the paper upon which he had builded so many fond hopes and aspirations, but continued to run a job printing office with no other aim than the immediate support of his family.

It was during these grim and lonely days, from 1895 to 1898, that he had time to meditate upon the past in bitter rebellion against a system that he could plainly see crowned the robbers and left the pure and virtuous to suffer in rags and hopelessness. He could see that a man who stood for principle must stand alone. It was in those days that we who know him think he coined the phrase: "What's the use?"

It was about this time that there came into his life an individual whom he will never forget. Pat O'Neil, a rough and uncouth miner who lived near Rich Hill, came into his office one day to have a little job of work done. They struck up a conversation and to the horror of Warren he found that his visitor was a Socialist, the first live one he had ever known. Their conversation became lively, Warren vigorously assailing, as was his custom when forced into verbal combat, as he was in this case. Pat quietly edged in a word now and then with stinging effect, until Warren became—a thing almost unheard of in him—highly incensed, and, had it not been for the size of Pat, he would probably have been kicked out of the office. As it was, however, he soon took his departure, returning in a few days for the job, which was handed to him with a smile, as Warren felt just a bit ashamed that he had permitted his anger to get the better of him on the preceding occasion. Pat, good naturedly, smiled in return and again they proceeded to get into a heated argument, but this time Pat took the initiative and proceeded to explain to his auditor some of the fundamental truths regarding Socialism. Upon his departure Warren asked him to come again and they would go still further into the subject.

It is needless to state that Pat, being an ardent Socialist, availed himself of the invitation. From this the acquaintance ripened into a warm friendship, for Warren found in his Irish friend a kind heart, a clear mind and an interesting conversationalist. This rugged miner, with hands calloused from years of toil and visage hardened by exposure, was found to be a man who, rather than be hanged or deported, should be honored and respected for his sturdy manhood and unfaltering fidelity to principle. Warren could see beneath this rugged exterior a heart as tender as a woman's and a strength of character that compelled his admiration. To say the least, Pat O'Neil was honest in his convictions. He believed that Socialism was right and zealously advocated its principles. He was certainly entitled to a respectful hearing, and this was given him. For weeks and months he labored patiently with his new pupil, for such it seemed that Warren had become in spite of himself. He had felt the sand slipping from beneath his feet ever since the day of the republican caucus, when his eyes had been opened to the inside working of the political game, and thus his mind was in a more receptive condition than it would otherwise have been for Pat to work upon.

It was one day, almost a year after Pat O'Neil had entered his job office, that a stranger handed Warren a little booklet entitled "Merrie England," and asked him to read it and pass it on to some one else. It was the famous Socialist pamphlet, written by Robert Blatchford, the careful reading of which ruthlessly tore the veil from the eyes of the reader, and it suddenly dawned upon him that the author of this pamphlet, Pat O'Neil and the other Socialists, whom he had so ignorantly and violently hated, were right. No doubt about it. He now knew what was wrong and plunged eagerly into the study of this new and wonderful philosophy.

From Pat he secured a list of standard works upon the subject, for which he sent. It was then he learned that this new science, which he decried and ridiculed so caustically over and over again, had a literature, the magnitude and scope of which he had never dreamed. He learned that it had a following of millions extending into every civilized country on earth, and that it was, without question, destined some day to emancipate a disinherited people. This was the haven of refuge for his peace of mind. Here at last was the field in which he could expand, and do the work that would harmonize with his interpretation of principle.

Pat O'Neil was the only Socialist among his personal acquaintances. Yet, inspired with this new principle, he launched "Bates County Critic," distinctly and openly a Socialist paper. This was the straw that broke the camel's back. Those who had remained his friends after selling his republican paper now avoided him as if he were a pestilence. The miners, who, he had hoped, would support to some extent this paper which boldly and fearlessly espoused their cause, looked upon him with suspicion. As a republican editor he had been loyal to the merchants and mine owners, severely rapping the miners' union on various occasions when he considered its demands extravagant. He had not felt much sympathy for men who would organize into unions, anyway, in this glorious land of the free, with the "Grand Old Republican Party" in power to guarantee to every one an equal opportunity.

With the light of Socialism, the idols of a lifetime tottered and fell. He now realized how terrible the working class had been wronged in every department of industry; how mercilessly they were exploited out of the lion's share of what they produced, and he now resolved to lend a hand in the work of securing justice.

He soon found himself and his family ostracized from society; the bare necessities of life became luxuries to him and his dependents, while the very people in whose behalf he had sacrificed everything, were either totally indifferent as to his success or failure, or questioned his motives openly, and refused him their support. How were these people, who had been so cruelly traduced, robbed and persecuted, to know that this change of heart was genuine, and that this was not simply another ruse more thoroughly to entrap and exploit them?

During this struggle with the "Bates County Critic" Warren had got in touch with other Socialists over the country, among them J. A. Wayland, editor and publisher of the Appeal to

Reason, the greatest Socialist paper in the world. One day a letter came to the new Socialist editor from Mr. Wayland requesting him to pay the great paper and its editor a visit, at the expense of the latter. This invitation was accepted, and during the visit negotiations were entered into which resulted in the early discontinuance of the "Bates County Critic" and the affiliation of its editor with the Appeal to Reason. This was in 1900, and for two years thereafter Warren served faithfully on the Appeal staff.

At the end of this period Warren severed his relations with the Appeal, and in company with E. N. Richardson, another Appeal editor, returned to Rich Hill and founded the "Coming Nation," which soon enlisted a following that was fast making it one of the leading papers in the Socialist movement.

After a year and a half negotiations were entered into between the "Appeal to Reason" management and the "Coming Nation" management, which culminated on January 1, 1904, in the consolidation of the two papers, with Fred D. Warren as managing editor. Thus began his second connection with this world renowned Socialist publication.

His career on the Appeal to Reason has been marked with the most unparalleled success. The metropolitan press of America has long since recognized his ability, and, had he been a man with a price, the alluring offers they have made would assuredly have drawn him away from the Appeal and the Socialist movement, and that splendid talent now being devoted to humanity would be exercised in keeping the race enslaved.

Fred D. Warren, because of his unswerving fidelity to the working class in its struggle for a better day, has been dragged into the federal courts on a wholly fictitious charge, ordered to pay a heavy fine and serve a prison sentence.

A million people in the United States know that he has been outraged, and future generations will honor the name of Warren and erect monuments to his memory, while those who are persecuting him will be remembered, if at all, with loathing and contempt.

The following "Boy-Town Railroad," was the first thing on Socialism Warren ever wrote, and is reproduced here for the purpose of drawing the reader's attention to his development from 1898 to 1909 and 1910, when he delivered his two immortal speeches before the federal court at Fort Scott, Kan., and the Appellate Court at St. Paul, Minn., which close this volume:

BOYTOWN RAILROAD

"Hi! Tommy, come and ride on my steam car," cried young Bill Short, as his boon companion passed the garden gate. Tom came over and inspected the "steam car." It consisted of a platform about three by five feet, mounted on the running-gear of an abandoned hand-car. A track made of old scantlings, boards, etc., was carefully laid out for a distance of 100 feet or so.

"Ain't it a daisy?" said Bill, as he viewed his work with admiration. "Get on, and I'll give you a free ride." Tom mounted the car, and Bill started the thing going by pushing it along.

"Golly, but that's nice," exclaimed Tom, as the end of the journey was reached. "Lemme ride back."

"All right," said Bill, "if you buy a ticket."

"Eh? A ticket? How much?" inquired Tom, in surprise.

"What's you got?" asked Bill shrewdly, with the air of a financier. Tom emptied his pockets and took an inventory. It disclosed the usual assortment of articles. Bill looked the collection over with a critical eye, and said:

"That will buy four tickets."

After considerable haggling the trade was made.

By this time rumors of the new railroad project had spread throughout the village and boys of all sizes and descriptions appeared on the scene. Bill was soon doing a land-office business. His exchequer disclosed the fact that he was getting wealthy. Soon he became weary of pushing the car and decided to hire a couple of boys to do the propelling act. This he did, and soon the improvised train was going at a merry clip. Bill found this much more to his liking, and he made as much "money" as before.

In a few days Bill had every marble, every pin, every ball and ball-bat in town, besides a miscellaneous assortment of kittens, dogs, cats, etc. But, notwithstanding he distributed his favors in the way of labor to the different boys, there was a falling off in business. He couldn't understand it. The boys were there and wanted to ride, the train was ready to start, and there were plenty of willing hands to do the pushing. Finally he hit upon the plan of offering reduced rates. This stimulated business a little, but after a short spurt the business fell off again.

"I've heard dad talk of panics; maybe we're havin' one. Still, I've got plenty."

Bill, who was a shrewd financier, set about to relieve the distress. Bill had noticed that the "legal tender" which he paid to the boys to push the car flowed back into his hands rapidly and easily.

"Now, I'll just have these boys do a lot of things for me, and get some more money in circulation, then my business will be good again."

So, accordingly, Bill made it known that he wanted laborers to build a depot. The applications for places were numerous. He selected his gang, and then made it known that he would buy boxes, boards, nails, etc. Soon the back yard of Bill's parents was the scene of active industry. Boxes, boards, and fence palings were surreptitiously hooked and brought to the scene and exchanged by the boys for the very articles they had given for tickets on Bill's railroad.

It was a busy scene, and activity in every department was stimulated. The railroad resumed operations on a larger scale, and the depot was rapidly nearing completion. The work was finished and the miniature town had plenty of funds and the railroad still run lively. In a few days, however, the railroad business dropped off and came to a standstill. Bill took an inventory and found that he had accumulated a large amount of wealth, besides having his buildings up and paid for.

"Must be another panic," he soliloquized, as, with hands deep in his pockets, he gazed out through the little windows of his depot at the anxious-looking faces of the boys without. "I guess I'll have to do something to stimulate business again."

His fertile brain conceived numerous ways of giving employment to the boys, who were anxious to ride. The yard was cleaned and the fences and trees were whitewashed, the garden was weeded, for all which he paid liberally, knowing full well the "money" would come back. Business was good for a while, but was followed by the usual stagnation when the money was gone.

This time there was muttering among the boys. Tom, the first passenger, appeared to be unusually demonstrative. He saw that Bill was accumulating all the wealth of Boytown without the least effort on his part, and he began to cast about in his own mind for a means to circumvent the youthful railroad magnate. He first concluded to build a road of his own, but he abandoned the idea, for he realized that the boys would have nothing with which to buy a ride.

At last he conceived an idea. He called a meeting in Jerry Stimpson's barn, just across the alley from Bill's railroad project. Bill viewed the meeting with some misgivings. He did not altogether like it. He sent his bosom friend and lieutenant, Skinny Jones, over to report the progress of the meeting.

Tom called the meeting to order and commenced:

"Now, feller citizens, it won't be any use for me to explain the situation. Youse know it already. We fellers want to ride, but we ain't got nuthin to ride with, notwithstandin' the fact that we've worked hard. Of course, there air times when we've plenty of marbles, pins, chalk, and sich, but as Bill's got it all, we can only get it when he has something for us to do, an' then we'uns go an' spend it with him over again, an' he soon has the money an' the product of our labor." At this point he was interrupted by thunderous applause.

"Now, feller citizens, I have a plan that I think'll work whereby we can have all the rides we want."

"What is it?" shouted half a dozen eager voices.

"It's this way; we'll build a road of our own."

"Can't be did," shouted a voice in the rear.

"Oh, yes, we can," replied the speaker. "We'll issue a notice to all the boys of this 'ere town an' tell them that if they wants ter help they can have all the rides they want."

Contributions of material, etc., were called for, and by evening an assortment of wheels, boards and timbers were gathered together. In a few days the Boytown Co-operative railway was well under way. Little slips of paper were prepared, on which was scrawled the number of hours each boy labored. When the road was completed lots were cast to see who would be the first passengers. After that, the boys pushed and rode in turn.

Bill, the capitalist, was nonplussed. As he looked across the way and noticed the business the other road was doing he became envious. He viewed with alarm his now rusty car.

"I'll go over and see the blamed thing," he said to himself, as he closed the door of the little depot and went out. He was greeted cordially by his former passengers, who took pleasure and delight in explaining to him just how the thing operated.

"I see that," replied Bill, "but where does the profit come—who's makin' any money outen it?"

"There ain't any profit, an' no one's a-makin' any money. We're all ridin' an' pushin', an' every feller gets about six rides to one push. When we'se workin' on your road we had to push twice to get enough to ride once. Oh, I tell yer' it's a great scheme!"

"Believe I'll ride," said Bill, as he stepped upon the car. He tendered the conductor some of the collateral that was good on his road, but that functionary refused it disdainfully.

"Dat don't go on dis line. If dat's all you've got, you'll have to get off an' walk. See?"

"Well, that's all I've got. How'm I to get what you fellers have got?" he anxiously inquired.

"Get off an' push de car, an' den you can ride on dis line. Labor talks here."

CHAPTER I.

CLASS WAR.

In the Communist Manifesto, written by Frederick Engels and Karl Marx, the two greatest authorities on Modern Socialism, are found these familiar words, which are quoted on thousands of public platforms by Socialist speakers throughout the world and found in innumerable books and pamphlets written in every language:

> The history of all hitherto existing society is the history of class struggles. Freeman and slave, patrician and plebian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open, fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes.

To the casual reader these words may fail to strike home with their undeniable truth, but a little reflection on the part of the thoughtful person will unveil a vista of thought that will lead to conclusions which could be arrived at through no other channel.

No truer words were ever writen than that "The history of all hitherto existing society is the history of class struggles." To the student of social conditions it is readily observed that as time has swung on through the cycles, this struggle between an oppressed and an oppressing class has steadily increased in intensity, and has yearly waxed fiercer and fiercer, until today throughout the civilized world these two battling classes are marshaling their strength and forces for, what the proletarian hosts hope will be, the final great conflict, when this age-long struggle shall cease to exist because of the total extermination of economic classes in society.

It is a sad commentary on our twentieth century civilization, after nineteen hundred and ten years of Christian teaching on the ethics of the meek and lowly Nazarene about "Brotherly Love," and "Do unto others," etc., that today we find the toiling multitudes of wealth producers compelled to fight harder to keep a heartless master class from more mercilessly exploiting them than ever before in the history of the world. Never were the masters more arrogant and more brutal. Debauchers of law and justice, so hog rich with plunder that they are blind to the sufferings and misery of the unfortunate masses. They skim the cream from the wealth of the world; hold the widow and orphan by the throat; extort the savings from the poorest worker and his family. Never was there record of such unholy and ghastly fortunes. Blind drunk with it, and still thirtsy. So blind drunk that they can't see whither it is leading them and society. Unable to foresee the danger that lies directly in their path. Hopelessly plunging on to their own destruction, for the under world is beginning to arouse and take cognizance of the fact that something is wrong. The disinherited of the earth, in every civilized country, are steadily awakening to a realization that their class has, through the ages, been openly and systematically robbed; are becoming conscious of their class interests and are learning that their interests are not identical with those of their exploiters, in spite of the idle vaporings of the capitalist sycophants to the contrary. It is manifest on the face of it, once the working man wakes up, that he is interested in securing as much pay as possible for as few hours' labor as he is powerful enough to demand from his employer; while on the master's or employer's side, the interest lies in securing the laborer the longest possible hours for as little outlay in the form of wages as he can compel his hireling to accept. This is simple and plain to the working man who will think for himself.

In America we have the American Federation of Labor, an organization of working men and women, numbering two million. Organized for what purpose? To force from capitalism higher wages, shorter hours and better working conditions. Other unions are organized in practically every craft; railroad men, printers, miners, tailors, carpenters, bricklayers, machinists and other mechanics, all organized for manifestly the same purpose, higher wages, shorter hours and better working conditions. On the other hand the employers of labor are organized into Mine Owners' Associations, Citizens' Alliances, Manufacturing Associations, etc. All organized for what purpose? To force the laborer to work such hours and for such pay as the Capitalist may designate, and under conditions that may suit His Highness and not interfere with His Profits. By what process of reasoning these two conflicting interests can be twisted into an identity is certainly a little difficult for an enlightened person to understand.

The rank and file of the trade union movement will have to wake up to a realization of why they are organized, and become class conscious on the political, as well as the economic, field if they hope to accomplish lasting results. It is futile to imagine that those who rob and plunder the worker on the economic field will, when elected to office, enact laws that will conflict with their material interests.

This struggle can be traced up the ladder of progress from the first dawn of civilization, but never did it take on such acute form as is evidenced on all sides today. Strikes, lockouts, boycotts, blacklists and injunctions are being used with deadly effect in this war between the contending forces. Labor goes on strike and capital gets out an injunction for the purpose of restraining the union men from interfering with the workings of the plant, mine or factory, either by word of persuasion with non-union men who are employed to take the strikers' jobs, or otherwise. A union declares a boycott on a shop that is run "open" or "scab" and is unfair to organized labor. They do not patronize said institutions themselves and endeavor to prevail upon other unions and sympathizers to do likewise. This is usually followed by a court decision declaring the boycott illegal and unconstitutional.

The capitalist blacklists the union man, and once blacklisted the unfortunate victim may look far and near for a job only to find that his record, as a union man, has gone before him, and meet with the cold information that his labor is not needed or desired. His only hope lies in changing his name or looking for work in some other line. It must be a strange thing to those not familiar with the workings of Capitalism that the boycott, labor's weapon, is invariably declared unlawful by the courts, while the blacklist, capital's weapon, is entirely lawful and constitutional, according to the same courts.

CHAPTER II.

CLASS WAR IN COLORADO.

Perhaps the most bitter and unyielding battle of modern times between capital and labor was the struggle of the Western Federation of Miners in the mountain state of Colorado against the Mine Owners' Association of that section. This struggle—which had been brewing for several years—broke out acutely on August 10, 1903, because of trouble at the United States Reduction and Refining Co., of Colorado City.

In 1899 the legislature of Colorado had passed an eight-hour law, but the supreme court, owned body and soul by the Mine Owners' Association and Smelter Trust, declared the law unconstitutional. In 1902 a constitutional amendment was submitted to the people of the state, in an effort to get around the power of the robed defenders of Colorado's plutocracy, demanding of the legislature that it pass the eight-hour law. This bill was submitted to a referendum vote of the people of the state and carried by a majority of 46,714. It was now out of the boodle-stained hands of the supreme court, so the mine owners turned their attention to the state legislature, in whose hands the case now rested. They boldly bought up the representatives of the people, who, with pockets bulging with bribe money, refused to obey the mandates of the majority of Colorado's citizens, and adjourned without passing the bill.

The mill and smelter men of Colorado City, inhaling the poisonous gases and fumes from the smelted ore, could not stand the ten and twelve hours they were compelled to work each day, and struck for their very lives. The whole Western Federation of Miners, organized on an industrial basis which made the grievance of one the grievance of all in every department of the metal mining industry, called a general strike throughout the entire district, and for months the mines turned out no ore. As long as the fight was in the open the miners had the operators whipped. With plenty of funds in their treasury they were eating three square meals each day. Co-operative stores were installed at which the miners secured rations. This naturally incensed the merchants who were going bankrupt because of the withdrawal of the miners' patronage. The mine owners were getting desperate because the enormous profits dug from the bowels of the earth by the miners had been so long cut off.

SOMETHING MUST BE DONE!

Bear this in mind, dear reader, the striking miners were living easy, and public sympathy was with them. For them to commit any outrages, against which they were cautioned by their leaders every day, meant defeat to them, sure and certain. They had everything to lose and nothing to gain by incendiarism. On the other hand, however, if anything of this character should happen and the miners could be made responsible for it, the mine owners had everything to GAIN and nothing to LOSE. Atrocities perpetrated that could be laid at the door of the Western Federation would be the most effective method of crushing the organization and swinging public opinion against the miners.

Then began a series of outrages more dastardly than any ever recorded in the annals of labor controversies. Mines were blown up (usually old mines just about out of commission), trains wrecked and other outrages carried on with a cunning and sagacity that defied detection. The miners were held responsible and accused of every new crime. The prostituted capitalist press from one end of the country to the other rang with its denunciations of the miners, and every force of Capitalism was brought forth to crush the organization, but still they held fast and it looked as if they would win in spite of the combined forces of plutocracy.

Something more dastardly than anything that had yet been conceived of MUST BE DONE, and the guilt fastened on to the striking miners. Not a crime had yet been proven against a single member of the union, although they had been arrested by the score, jailed, whipped and deported, and the capitalist press had yelped and howled their guilt to the four corners of the earth.

It was the morning of June 6th that a body of non-union miners were standing on the depot platform at Independence waiting for the Florence and Cripple Creek train just pulling in to carry them to their work that a bomb was exploded under the platform. The result was appalling; depot wrecked and eleven men hurled into eternity, and eight others badly wounded.

The news of this terrible catastrophe was heralded to the ends of the earth as the deliberate crime of the miners.

The details following this terrible affair are familiar to all. Suffice it to say the miners were hounded from their homes by the hired soldiery of the mine owners; their wives and daughters outraged and every union man and sympathizer deported from the district.

The strike was lost and the miners were scattered to the four winds of heaven.

Naturally, one would think that they had been persecuted enough, but not so. They must be wiped from the face of the earth, or the mine owners would not have the unhampered opportunity of exploiting their workers to the full limit, as was their dream.

The leaders of the miners, men as true as steel, whose only crime was that they were true to their class and could not be bought, frightened or bullied, must be crushed even if it were necessary to murder them judicially with their hired courts. So long as the miners were under the able generalship of such men as the officers of the Western Federation of Miners, the privileged interests of the gold and silver mining section would be threatened in the free exercise of their exploiting power.

If the backbone of the Western Federation of Miners was to be broken, their leaders must be destroyed.

Several months passed after quiet had been restored in the Cripple Creek district, and in spite of the terrible blow dealt the struggling miners, the scattered fragments were steadily being gathered together until sufficient strength had been mustered to extend the organization into new fields in Nevada, Idaho and Colorado. The solidarity of these men who had struck such terror to the hearts of the most powerful combination of capital in America was a hideous nightmare to their enemies and a source of admiration to the hundreds of thousands of class-conscious working men throughout the nation. Their leadership was the most keen, fearless and uncompromising on earth. The rank and file trusted them implicitly. Victory could but result under the careful guidance of such men. Hope again possessed them, and with clean hands, though a thousand times accused, they were marching on with their message of encouragement and relief to the multiplied thousands who were hopelessly under the iron heel of Capitalism.

Efficient leaders knew that success depended upon total abstinence from crime on the part of themselves and the membership. Any outrage that could through any possible ingenuity be fastened upon their shoulders would only react upon them and work to their own undoing and destruction. Regardless of how badly they might desire to resort to incendiary tactics, the pursuit of such methods meant strength to the oppressors and must undoubtedly weaken their own position.

CHAPTER III.

THE IDAHO OUTRAGE.

On the morning of December 31, 1905, the news was heralded from coast to coast that ex-Governor Steunenberg of Idaho, had been blown to atoms the night before by an assassin's bomb as he was entering the gate at his home in Caldwell. Total ignorance as to the perpetrators, or the cause, of the fiendish deed prevailed. The wildest imaginator never dreamed of connecting the outrage with those who were soon to be accused.

It should be remembered that Steunenberg had been politically dead for ten years, and had been completely out of politics all this time. He was raising sheep on a large scale, and could not, by the wildest stretch of imagination, have been in any way interested in the labor troubles of any of the mountain states.

What possible motive could the Western Federation of Miners, as an organization, have in the death of a man in the position of ex-Governor Steunenberg? Positively none!

On Saturday night, February 17th, forty-nine days after the assassination at Caldwell, Chas. H. Moyer, Wm. D. Haywood and Geo. A. Pettibone, president, secretary-treasurer and ex-board member of the Western Federation of Miners, were kidnaped from their homes in Denver, in the dead of night, loaded upon a special train and railroaded across the state line to Idaho and lodged in jail at Boise, accused of complicity in the murder of Steunenberg.

Instantly, as though by a preconcerted signal, the capitalist press in every city and hamlet began to belch forth its slimy lies telling a tale of murder, outrage and rapine on the officials of the miners' organization that would make his satanic majesty appear in the knickerbocker garb of a novice. Honest men by thousands were totally deceived into believing and crediting the infamous reports that were circulated broadcast among a gulled and duped public.

The blow had fallen with deadly and, for the time, with apparently successful effect. Hope, for the moment, was at a low ebb in the breasts of the champions and defenders of the people's interests. Plutocracy's talons were fastened into the vitals of labor's cause with an unrelenting and beastly fury that did not intend to relax so long as life remained.

The heart of a nation stood still, as it were; brave men wept with despair, and the hopes of the few enlightened thousands were wilting under the terrible strain.

What could be done to rescue these men, whom the authorities openly boasted "would never leave Idaho alive"? On the fight for their lives rested the fate of future generations. If they could be legally assassinated in this cold-blooded manner, then no defender of liberty and justice would be safe upon whom they wished to satiate their bloody vengeance.

When the sky was darkest and hope almost dead, there sprang into the breach the most powerful weapon of defense and offense the toiling millions of the world has ever had at their back—THE LABOR PRESS. Capitalism had reckoned in this instance without considering the power of this terrible weapon that had been built up during the past few years of struggle.

Towering head and shoulders above anything of the kind that had ever appeared in the history of the world stood the APPEAL TO REASON. Through the force of modern machinery and a tremendous circulation of over three hundred thousand paid-up subscribers, and forty thousand active, fearless Army workers, it was able to hurl its thunderbolt of defiance and truth against the citadel of Capitalism at the rate of three million per week.

Back of this tremendous power sat a quiet, unassuming man, a little past thirty, directing with a cool, steady hand and brain the broadsides against the minion hell-hounds of the most infernal system of robbery and injustice that has ever encumbeerd an otherwise beautiful and bountiful earth.

FRED D. WARREN, the fighting editor of the mighty Appeal to Reason, was the human dynamo of activity behind this formidable, hope-inspiring terror that was now throbbing under the most furious strain of battle ever before encountered.

Through the instrumentality of this great organ and aided by dozens of smaller papers of like character, together with the organized Socialist party and union labor throughout the nation, monster indignation meetings were held, thousands of protests addressed to the chief government officials flooded the mails, and thousands of dollars were raised for the defense of this, labor's greatest battle.

CHAPTER IV.

"AROUSE, YE SLAVES."

If they hang Moyer, Haywood and Pettibone, they've got to hang me.—*Eugene V. Debs.*

Within two weeks from the date of the kidnaping, the Appeal to Reason had printed and circulated by the million the Debs' Defy: "Arouse, Ye Slaves," which caused the bloodthirsty hosts of modern commercialism to halt. It was Warren who calmly and deliberately printed this virtual call to arms in the face of grave and serious consequences to the paper and himself. It is a document as important to the labor movement as the great speeches made by Warren printed elsewhere in this volume. All are destined to go down in history classed with the immortal words of such men as Patrick Henry, Wendell Phillips, Abraham Lincoln and others of like character, who sacrificed reputation and, in many cases, life itself, in behalf of the forces that lead toward complete freedom.

Not an editor on the Appeal or even an employe but will remember the suspense of that morning when this document reached the office. The contents had been perused by each member

U. OF ILL. LIB.

of the staff. The stern faces of all in that room; the hurried departure of a messenger to J. A.'s (Wayland's) home, urging his immediate presence in the conference, set the entire office force busy with queries and replies and forebodings. Something had happened or was about to happen. J. A.'s towering form appeared in the main entrance in an exceptionally short time and without the customary and pleasant "Howdy" to those in the immediate vicinity he hurried into the editorial room. In silence the Debs article was placed in his hands and not a word was spoken as he stood a little apart and perused it carefully. Every occupant of the room was watching intently the face of their chief. A struggle was going on in that massive brain, but from the set face no man could tell what the outcome would be. The long arms dropped and the hands were clasped behind the slightly bowed back, the gray head hung and the long legs began to rotate carrying the angular body to the farther end of the room and back. Three times he paced the length of the room and returned, stopped, glanced hastily over the manuscript again and then dropped it carelessly on the desk of the Fighting Editor with the calm remark: "Fred, you have been doing most of it lately and I guess you'll have to do as you please about this." Instantly every eye went to the face of Warren, whose glance rested in turn on each of the assembled editors, excepting the chief's, flitted on past them to the street beyond, then back to the face of the man who had placed, if you please, the destiny of his life's work in another's power, rested there a moment, when slowly the lips parted and in words indicative of deep feeling said: "J. A., you realize that the publication of this article may mean the suppression of the Appeal and the arrest for feloniously inciting to armed rebellion, every one of us, followed by imprisonment and possible execution?" The reply came in calm, even tones: "Yes, I fully appreciate the gravity, and the only question I want you to settle in your mind before acting is 'will it work to the best interests of Socialism?' If so, regardless of consequences 'publish it.'"

With these words he turned his back on us, walked to his own room, sat down at his desk and took up the morning paper, while Warren folded the article, handed it to the ever-ready messenger with a note to the foreman of the printing department to set it up in big type on the center of the front page. Before night this fiery and revolutionary message was gorging the mails on every departing train.

Let this livid appeal, which created more consternation in the hearts of the enemy, and more hope in the breasts of workingmen than anything of the kind had yet done in this modern class war, speak for itself:

AROUSE, YE SLAVES.

The latest and boldest stroke of the plutocracy, but for the blindness of the people, would have startled the nation.

Murder has been plotted and is about to be executed in the name and under the form of law.

Men who will not yield to corruption and brow-beating must be ambushed, spirited away and murdered.

That is the edict of the Mine Owners' association of the western states and their Standard Oil backers and pals in Wall street, New York.

These gory-beaked vultures are to pluck out the heart of resistance to their tyranny and robbery, that labor may be stark-naked at their mercy.

Charles H. Moyer and Wm. D. Haywood, of the Western Federation of Miners, and their official colleagues, men, all of them, and every inch of them, are charged with assassination of ex-Governor Steuenberg, of Idaho, who simply reaped what he had sown, as a mere subterfuge to pounce upon them in secret, rush them out of the state by special train, under heavy guard, clap them into the penitentiary, convict them upon the purchased, perjured testimony of villians, and then strangle them to death with the hangman's noose.

It is a foul plot; a damnable conspiracy; a hellish outrage.

The governors of Idaho and Colorado say they have the proof to convict. They are brazen falsifiers and venal villians, the miserable tools of the mine owners, who, themselves, if anybody does, deserve the gibbet.

Moyer, Haywood and their comrades had no more to do with the assassination of Steunenberg than I had; the charge is a ghastly lie, a criminal calumny and is only an excuse to murder men who are too rigidly honest to betray their trust and too courageous to succumb to threat and intimidation.

Labor leaders that cringe before the plutocracy and do its bidding are apotheosized; those that refuse must be foully murdered.

Personally and intimately do I know Moyer, Haywood, Pettibone, St. John and their official co-workers, and I will stake my life on their honor and integrity; and that is precisely the crime for which, according to the words of the slimy "sleuth" who "worked up the case" against them, "They shall never leave Idaho alive."

Well, by all the gods, if they don't the governors of Idaho and Colorado and their masters from Wall street, New York, to the Rocky Mountains had better prepare to follow them.

Nearly twenty years ago the capitalist tyrants put some innocent men to death for standing up for labor.

They are going to try it again. Let them dare!

There have been twenty years of revolutionary education, agitation and organization since the Haymarket tragedy, and if an attempt is made to repeat it, there will be a revolution, and I will do all in my power to precipitate it.

The crisis has come and we have got to meet it. Upon the issue involved the whole body of organized labor can unite and every enemy of plutocracy will join us. From the farms, the factories and stores will pour the workers to meet the red-handed destroyers of freedom, the murderers of innocent men and the arch-enemies of the people.

Moyer and Haywood are our comrades, staunch and true, and if we do not stand by them to the shedding of the last drop of blood in our veins we are disgraced forever and deserve the fate of cringing cowards.

We are not responsible for the issue. It is not of our seeking. It has been forced upon us; and for the very reason that we deprecate violence and abhor bloodshed we cannot desert our comrades and allow them to be put to death. If they can be murdered without cause so can we, and so will we be dealt with at the pleasure of these tyrants.

They have driven us to the wall and now let us rally our forces and face them and fight.

If they attempt to murder Moyer, Haywood and their brothers, a million revolutionists, at least, will meet them with guns.

They have done their best and their worst to crush and enslave us. Their politicians have betrayed us, their courts have thrown us into jail without trial and their soldiers have shot our comrades dead in their tracks.

The worm turns at last, and so does the worker.

Let them dare to execute their devilish plot and every state in this union will resound with the tramp of revolution.

Get ready, comrades, for action! No other course is left to the working class. Their courts are closed to us except to pronounce our doom. To enter their courts is simply to be mulcted of our meager means and bound hand and foot; to have our eyes plucked out by the vultures that fatten upon our misery.

Capitalist courts never have done, and never wlll do anything for the working class.

Whatever is done we must do ourselves, and if we stand up like men from the Atlantic to the Pacific and from Canada to the Gulf, we will strike terror to their cowardly hearts and they will be but too eager to relax their grip upon our throats and beat a swift retreat.

We will watch every move they make and in the meantime prepare for action.

A special revolutionary convention of the proletariat at Chicago, or some other central point, would be in order, and, if extreme measures are required, a general strike could be ordered and industry paralyzed as a preliminary to a general uprising.

If the plutocrats begin the program, we will end it.

EUGENE V. DEBS.

CHAPTER V.

SUPPRESSED IN CANADA.

To say that the audacity and boldness of the man who dared to write such a terrific article, and the editor fearless enough to print it paralyzed the nation for the moment is not putting it too strongly.

Plutocracy's hand had been called and the world looked on in awe for the next move.

Positively the only question as to whether the Appeal to Reason would be suppressed or not was, "Would they dare?"

Surely such a defiance as had been hurled into their very teeth would call forth drastic action from the enemies of the Appeal.

The week closed, the thunderbolt had been fired and millions of people on two continents were reading it. The Appeal force was too busy with the work of getting the decks clear for the "Rescue Edition," being made ready for the press, to worry over the thing that had been done.

The "Rescue Edition" was mailed sizzling hot to more than three million readers proclaiming the true history of the conspiracy, and still nothing happened to alarm unduly the men behind this bold venture.

Was it possible the forces of Capitalism were going to sit supinely by and not retaliate?

Four weeks passed and equilibrium had been restored among the office force and speculations that had been rife for several days after the article appeared gave way to other thoughts.

It was on the morning of April 10th, one month after the publication of "Arouse, Ye Slaves," that the postmaster of Girard stepped into the office with a worried look on his face and handed Warren an envelope containing a letter from the postoffice officials at Washington. This communication stated that the Canadian authorities had debarred the Appeal to Reason from their mails "on account of the scurrilous and seditious character of articles appearing in a copy of that publication which had been brought to the attention of the department."

It is needless to explain that the article referred to was "Arouse, Ye Slaves."

This was a flank movement and from a wholly unexpected quarter. After carefully analyzing the situation it appeared to the little band behind the Appeal guns that this must be the preliminary move to the final swooping down upon and totally annihilating the paper that was putting up such a terrific battle.

The interests of Capitalism in Canada were so interwoven with the interests in the United States that such a conclusion could reasonably be reached.

The unanimous opinion of the gang at the Appeal office was that the only hope lay in arousing such a clamor of public indignation, both in Canada and the states, that pursuit in this direction would be cut off and the minions of plutocracy be compelled to beat a retreat.

In the meantime the Canadian Socialists and labor unions were thoroughly aroused and were holding public indignation meetings. Resolutions of protest, signed by thousands, were being hurled defiantly at the head of the Dominion government. The liberal press was taking up the fight, and for the time all eyes were turned on this new phase of the contest.

The Appeal tried to get copies over the line by express, but they were captured and destroyed by the customs officials.

Warren, unable to direct the fight from his office successfully, without having some first-hand knowledge pertaining to Canadian laws and customs, made the long trip to the far north capitol at Ottawa, secured the needed information and returned to continue the fight with renewed vigor.

Within two weeks after Warren's visit to the Dominion headquarters the following letter was received:

> OTTAWA, Canada, June 4, 1906.
> *Editor Appeal to Reason, Girard, Kan.*:
>
> SIR—I have today directed that the order excluding your newspaper from the use of the Canadian mails be rescinded, and the privilege of such mails restored to your newspaper from this date.
>
> Yours faithfully,
> A. B. ALYESWORTH,
> *Postmaster General*...

In passing, I would simply say that the attacks on the Appeal, though persistent and harassing, were fearlessly met by the ever alert and sagacious Fighting Editor.

There were times, however, when the inside guard was passed and foul blows were dealt in an effort to crush the Appeal.

CHAPTER VI.

THE APPEAL UNDER FIRE.

The difficulties which have been met and overcome by the Appeal to Reason in the United States postoffice department have been legion, and almost every week some new obstacle is created in an effort to suppress it.—*From the Evening Chronicle, Port Arthur, Canada, April 28, 1906.*

The literal truth of this quotation cannot be fully appreciated except by those who were fighting behind the ramparts of the Little Old Appeal. Since the Appeal's infancy there has never been a time when those at the helm were not compelled to utilize a large portion of their energy in warding off the persistent attacks, as stated in the quotation above, made almost weekly by the postoffice department of the United States. From the time when Comrade Wayland, fighting the battle single-handed and alone for the infant, struggling paper, down to the present time, the methods pursued by the United States postal department have been of a nature that would make the founders of this government blush with shame could they but see the ruthless trampling into the dust of the principle of free speech and free press upon which the liberty and freedom of the American people rested.

No sooner had the Appeal issued its tremendous "RESCUE EDITION" of more than three million copies that had aroused a dazed people to the enormity of the Colorado-Idaho outrage than the capitalist tools at Washington began to lay plans that would prohibit the issuing of another such edition.

It should be understood by the readers that it had been customary for the Appeal to notify the Appeal Army in the event of a special edition and they would order in advance, paying for such number of copies as they wanted to distribute. This had been the custom of the Appeal and other periodicals, without opposition, for years, and never until the "Rescue Edition" had fired the nation with indignation over the western labor war had any action been taken against it by the postal officials.

On June 23d, following immediately on the heels of the Canadian affair, the editor of the Appeal received a letter from Edwin C. Madden, third assistant postmaster general, the gist of which was as follows: "You are informed that copies of a publication entered as second-class matter purchased for the purpose of being given away by the purchasers are regarded as constituting 'free circulation.' If the number of copies purchased for such purpose, together with all other forms of free distribution, amounts to fifty per cent of the whole circulation of the Appeal to Reason, the second-class mailing privileges of the publisher will be in jeopardy."

What was the motive behind such a ruling as this?

Certainly to the unprejudiced there could be but one. To restrain the Appeal from getting out any more three million or even one million editions. With a circulation of aproximately three hundred thousand, the total number of papers of any one edition could not exceed six hundred thousand, if the interpretation placed on this order by the Girard postmaster was correct, which would make it impossible for this paper again to arouse such a storm of indignation as had been done in the case just narrated.

The experience and entanglements with the postoffice department, of which the above is only a sample, necessitated the most careful observance of the postal rules and regulations. The Appeal to Reason must keep strictly within the letter of the law, for without question the POWERS were after it. Not a hand could safely be turned without first consulting the law and then advising with the postmaster of Girard for his interpretation. As will be shown later, even this effort to keep within the bounds of the law was inadequate to protect the Appeal from serious entanglements with the government officials.

It is a mystery to many people, both friends and enemies of the Appeal, why the government has not deliberately suppressed the paper. This is a natural question to which there is but one answer.

The government fears the tremendous public sentiment that such an overt act would create, and hesitates to take a step that would bring on such a storm of indignant protest from every lover of the principles of a free press and free speech established by our revolutionary forefathers, as such an action undoubtedly would. The results of such a procedure would unquestionably react upon the perpetrators and further the cause the Appeal represents—Socialism—even as the persecution of the abolitionists and the suppression of their press and speech reacted upon the supporters of the system of chattel slavery and only hastened their own destruction.

The Appeal was, and is at this time, compelled to abide steadfastly by every rule and regulation laid down by the department. New rulings by the score have been made for the specific purpose of blocking the Appeal in its tremendous work. Every conceivable obstacle has been placed in its way to prevent its ever growing circulation.

Wayland fought alone for years with tireless energy for his rights as an American citizen, and a publisher of a newspaper. Fought until he was at last able to find another man with ability sufficient to meet cunning with cunning; with nerve and generalship enough to withstand successfully the continued onslaughts made against this child of his heart—the Appeal.

In Fred D. Warren he not only found the man who could withstand the attacks, but he found one who could invariably turn every attack to the advantage of the paper; could bring victory out of every apparent defeat.

The peculiar and unparalleled success of this man Warren has been largely due to his ability to understand every move of the enemy before they make it, and then move first.

He has his forces so thoroughly organized that scarcely a plan pertaining to the Appeal is discussed by the Washington authorities, but he is forewarned as to even the details of the proposed assault, and through this knowledge has been enabled to checkmate the numerous efforts made to get at the paper and crush it from the face of the earth.

I have seen Warren wander about the office for days with his mind so completely preoccupied that he scarcely spoke to his most intimate associates, not in an ugly or sulky mood, but thinking, planning and devising some coup. When in these moods, by mutual consent, the office force, including the editors, refrain from interrupting him, except when absolutely necessary.

There was agitation in that fertile brain; ideas and plans were being matured. When eventually the new project was laid before the staff for consideration and discussion, it would sometimes be modified, and upon rare occasions abandoned entirely. Or, on the other hand, when thoroughly satisfied in his own mind that he was right, it would be pushed furiously in the face of the silent skepticism of the entire staff, and invariably in such instances to the most pronounced success.

CHAPTER VII.

KIDNAPING DECLARED LEGAL.

Within twenty-four hours after the kidnaping of the Federation officials had been heralded to the world the forces were being organized for the defense of the victims among the Socialists and labor unions throughout the nation, ably assisted by the Socialist and labor press. More than a hundred thousand dollars were raised and the best legal talent in America employed to fight for the lives of Moyer, Haywood and Pettibone.

There is a law, plain and unqualified, in every civilized country on earth against kidnaping, and in America, at least, there is no provision granting to the national government, state or municipality any more jurisdiction in this matter than belongs to an individual. Consistently basing their reasoning on this law the attorneys for the defense, Darrow and Richardson, appealed the case to the United States supreme court, the highest tribunal in the land, which court, through Chief Justice Harlan, rendered its decision on

Monday, December 3, 1906, against the defendants and in favor of the kidnapers. In this decision the United States supreme court refused to release the miner officials from the custody of the Idaho authorities in whose keeping they had been illegally retained since February of that year. The prisoners asked for release on the grounds that they were illegally arrested in Colorado, kidnaped and carried into Idaho and there detained without due process of law, charged with the assassination of ex-Governor Steunenberg, although it was not even contended that any one of the three had been in Idaho at the time of the murder. None of the accused had been in that state for more than a year and one of them not for ten years.

This was another very important victory for the Mine Owners' Association, and again the authorities declared that "Moyer, Haywood and Pettibone should never leave Idaho alive." The court of last resort had been appealed to in vain, and with the exception of one fearless supreme judge, Justice McKenna, this sanctimonious bulwark of Capitalism had coldly wrapped its robes about it and virtually decreed that labor has no rights that Capitalism is bound to respect.

Justice McKenna, whose name will be immortalized by future generations while his colleagues will sleep in forgotten graves, in his dissenting opinion, a part of which is reproduced herewith, clearly shows the length to which the minions of plutocracy will go when necessary in defense of the system as against the people.

Justice McKenna said in part:

> In the case at bar the states of Colorado and Idaho, through their officials, are the offenders. They, by an illegal exertion of power, deprived the accused of a constitutional right. The distinction is important to be observed. Kidnaping is a crime, pure and simple. It is difficult to accomplish; hazardous at every step. All officers of the law are supposed to be on guard against it. But how is it when the law becomes the kidnaper? When the officers of the law, using its forms and exerting its power, becoem abductors? This is not a distinction without a difference. It is another form of the crime of kidnaping distinguished from that committed by an individual only by circumstances. If a state may say to one within her borders and upon whom a process is served: "I will not inquire how you came here; I must execute my laws and remit you to proceedings against those who have wronged you," may she so plead against her own offense? May she claim that by mere physical presence of the accussed within her borders the accused person is within her jurisdiction deprived of his constitutional rights, though he has been brought there by violence?
>
> Constitutional rights the accused in this case certainly did have, and valuable ones. The foundation of extraditing between the states is, that the accused should be a fugitive from justice from the demanding state, and he may challenge the fact by habeas corpus immediately upon his arrest. If he refute the fact he cannot be removed (V. Cochrain, 193 U. S., 691), and the right to resist removal is not a right of asylum. To call it so, in the state where the accused is, is misleading. It is the right to be free from molestation. It is the right of

personal liberty in its most complete sense; and this right was vindicated in V. Cochrain and the action of a constructive presence in a state and a constructive flight from a constructive presence rejected.

This decision illustrates at once the value of the right, and the value of the means to enforce the right. It is to be hoped that our criminal jurisprudence will not need for its efficient administration the destruction of either the right or the means to enforce it. The decision, in the case at bar, as I view it, brings us perilously near both results. Is this exaggeration? What are the facts in the case at bar as alleged in the petition, and which it is conceded must be assumed to be true? The complaint, which was the foundation of the extradition proceedings, charged against the accused the crime of murder on the 30th of December, 1905, at Caldwell, in the county of Canyon, state of Idaho, by killing one Frank Steunenberg, by throwing an explosive bomb at and against his person. The accused avers in his petition that he had not been in the state of Idaho, in any way, shape or form, for a period of more than ten years, prior to the acts of which he complained; and that the governor of Idaho knew accused had not been in the state the day the murder was committed, nor at any time near that day.

CONSPIRACY BETWEEN GOVERNORS.

A conspiracy is alleged between the governor of the state of Idaho and his advisers, and that the governor of the state of Colorado took part in the conspiracy, the purpose of which was to avoid the constitution of the United States and the act of congress made in pursuance thereof; and to prevent the accused from asserting his constitutional right under Clause 2, Section 2 of Article IV of the Constitution of the United States and the Act made pursuant thereof. The manner in which the alleged conspiracy had been executed was set out in detail. It was in effect that the agent of the state of Idaho arrived in Denver Thursday, February 15, 1905, but it was agreed between him and the officers of Colorado that the arrest of the accused should not be made until some time in the night of Saturday, after business hours, after the courts had closed and judges and lawyers had departed to their homes; that the arrest should be kept a secret, and the body of the accused should be clandestinely hurried out of the state of Colorado with all possible speed, without the knowledge of his friends or his counsel; that he was at the usual place of business Thursday, Friday and Saturday; that no attempt was made to arrest him until 11:30 o'clock P. M., when his home was surrounded and he was arrested and Chas. P. Moyer, arrested under the same circumstances at 8:45, and he and accused thrown into the county jail of the city and county of Denver.

SIGNIFICANT FACTS.

It is further alleged that, in pursuance of the conspiracy, between the hours of 5 and 6 o'clock on Sunday morning, February 18th, the officers of the state and certain armed guards, being a part of the forces of the militia of the state of Colorado, provided a special train for the purpose of forcibly removing him from the state of Colorado; and, between said hours he was forcibly placed on said train and removed with all possible speed to the state of Idaho; that prior to this removal and at all times after his incarceration in the jail at Denver he requested to be allowed to communicate with his friends and his counsel and his family, and the privilege was absolutely denied him. The train, it is alleged, made no stop at any considerable station, but proceeded at great and unusual speed, and he was accompanied by, and surrounded with, armed guards, members of the state militia of Colorado, under the orders and directions of the adjutant general of the state. I submit that the facts in this case are different in kind and transcend in consequences those in the cases of Kerr vs. Illinois and Mahon vs. Justice, and differ from and transcend them as the power of a state transcends the power of an individual.

DECISION SHOULD BE REVERSED.

No individual could have accomplished what the power of the two states accomplished. No individual could have commanded the means of success; could have made two arrests of prominent citizens by invading their homes; could have commanded the resources of jails, armed guards and special trains; could have successfully timed all acts to prevent inquiry and judicial interference. The accused, as soon as he could have done so, submitted his rights to the consideration of a federal court. He could not have done so in Colorado. He could not have done so on the way from Colorado. At the first instant that the state of Idaho relaxed its restraining power, he invoked the aid of habeas corpus. He should have been heard, not dismissed from the court, and the action of the circuit court in so doing should be reversed.

CHAPTER VIII.

ONE THOUSAND DOLLARS REWARD.

> "The Appeal to Reason will pay $1,000 in gold to the person or persons who will kidnap ex-Governor Taylor and return him to the state officials of Kentucky, where he is wanted on a charge of murdering Goebel."

This was the startling announcement made in the Appeal under date of January 12, 1907, one month after the United States supreme court had handed down its decision legalizing kidnaping in the case of Moyer, Haywood and Pettibone, three official representatives of labor, a history of which you have had in the preceding chapters.

It is needless to state that Fred D. Warren was the originator of this now famous reward offer, the object of which he explains in the same issue in which it was made:

Warren said:

> The supreme court of the United States has held that kidnaping is a perfectly legal method of taking an accused man from one state to another. This decision was rendered in the now famous Moyer-Haywood case, in which the defendants were both Socialists and workingmen. Will the supreme court of the United States hold

to this same opinion if the defendant is a republican and a capitalist?

To give the supreme court the opportunity to pass on a case of kidnaping a capitalist politician wanted on a charge of murder in a sister state, I will give $1,000 to the person or persons who capture ex-Governor Taylor, of Kentucky, who is now supposed to be in hiding in Indiana under the protection of the governor of that state, and return him, forcibly or otherwise, to the state authorities of Kentucky.

The Appeal has absolutely no interest in the Taylor-Goebel feud of Kentucky, but I want to put it up to the supreme court of the United States to decide a case of kidnaping where the victim is a republican politician and a personal friend of the president of the United States. It will be remembered that Taylor and Goebel were respectively the republican and democratic candidates for governor of Kentucky. Taylor held the office and Goebel was a hot aspirant for the same. Goebel was assassinated; Taylor fled the state and a warrant was issued for his arrest. The governor of Indiana refused to recognize requisition papers, as did also the governor of Pennsylvania, both republicans. (The state authorities of Kentucky offered one hundred thousand dollars for the return of Taylor to that state.)

The supreme court of the United States says in its recent decision: "Looking first at what was alleged to have occurred in Colorado touching the arrest of the petitioner and his deportation from that state, we do not perceive that anything done there, however hastily or inconsideratly done, can be adjudged to be in violation of the constitution or laws of the United States. Even if it be true that the arrest and deportation of Pettibone, Moyer and Haywood from Colorado was by fraud and connivance, to which the governor of Colorado was a party, this does not make out a case of violation of the rights of the appellants under the constitution and laws of the United States."

In other words, any person, or persons, are at liberty to sandbag Taylor, carry him across the border and deliver him to the authorities of Kentucky and it will be a perfectly legal procedure and upheld by the highest court of the land. It matters not how inconsiderately or hastily this action may be done, it will not be a violation of the constitutional rights of Taylor, capitalist and republican! The supreme court will back the kidnapers and protect them—provided it holds its recent decision.

The only stipulation regarding the payment of the $1,000 reward is, that Taylor must be handed over to the Kentucky authorities and placed behind the bars before the trial of the officers of the Western Federation of Miners is begun.

Let us put it up to the capitalist courts to treat a capitalist as it does a workingman, and make the case so prominent that it will revit the attention of the entire civilized world.

It can readily be observed by all that Warren did not have any personal feeling in the matter regarding Taylor, but to his ever alert mind there came the idea of making a parallel case. If it were legal to kidnap Moyer, Haywood and Pettibone from the state of Colorado and railroad them in the dead of night to Idaho, would it be legal to kidnap ex-Governor Taylor from the state of Indiana and railroad him over the line to Kentucky? Unfortunately Taylor was not kidnaped, although at the time the Appeal to Reason offered the reward he was wanted, and wanted badly, by the Kentucky authorities. So badly did they want him that the state had offered $100,000 for him. It might be well to state here again that Moyer, Haywood and Pettibone were Socialists and working men without a single man in public office of importance to whom they could turn as a friend, while with Taylor it was entirely different. With but few exceptions he could number his friends from the president of the United States down to the republican postmasters in every state in the union.

Taylor was a republican and a capitalist. Why shouldn't the republicans and capitalists in power be his friends?

It has been stated above that it was unfortunate that Taylor was not kidnaped. However, it might be well to qualify that statement, as it was evidently most fortunate for Fred D. Warren, who offered the reward, as that offer brought down upon his head the avenging hand of the class whom he had so cleverly and boldly unmasked, with a malice indicating that, had the plan for the kidnaping carried out, no man can tell what the POWERS would have done to him. What they did do to him is a story unto itself, however, and this follows:

CHAPTER IX.

THE INDICTMENT.

It should be remembered by the reader that in a preceding chapter attention was directed to the fact that, regardless of the utmost precaution on the part of the Appeal to comply with the absolute letter of the postal rules and regulations, the inside guard would at times be passed and foul blows dealt by its enemies, both inside of the postoffice department and out of it. These enemies never slept and they never rested. It seemed that their only mission in life was to keep steadfastly after the Little Old Appeal and enact new rulings with the deliberate purpose of crippling it. The least technical violation of the postal laws, regardless of how innocently committed, invariably meant heavy expense, explanations and red tape to an extent little dreamed of by the outsider. Truly, no man on this earth not possessed and inspired by a principle that was dearer than life itself would wade through the slime of investigations and a thousand other harassing features connected with the running of so fearless and outspoken a paper as the Appeal to Reason.

I remember quite well the morning Warren sprung his idea of offering the reward for kidnaping ex-Governor Taylor, and how, after thoroughly discussing the matter with the staff, he went to the postoffice to consult the postmaster regarding the law in the matter. The postmaster, A. M. Wasser ,now running a republican newspaper in Girard, testified on the witness stand at the trial that he advised Mr. Warren that there was no law prohibiting the mailing of the reward, and for his part he didn't see how on earth they could possibly make any trouble over it.

This manifest desire on the part of Mr. Warren to avoid any complications with the government must indicate to the fair person that he was not actuated by motives other than to be clean and above board. He felt that he was entirely within the law and was reinforced in this belief by the advice of the postmaster.

Immediately following the annoucement in the paper that the Appeal would pay this reward, between fifteen and twenty-five thousand circular letters were mailed from the office to the Appeal Army, with the following inscription on the outside of the envelope:

> $1,000 reward will be paid to any person who kidnaps ex-Governor Taylor and returns him to Kentucky authorities.

The mailing of these envelopes occurred on or about the 12th day of January, 1907, following which everything went on in the even tenor of its way behind the Appeal guns. Every energy was concentrated in the fight for the Western Federation officials, whose trial was scheduled for early May. The kidnaping offer, after two months had passed and no apparent effort had been made by anyone to earn the thousand dollars, was almost forgotten.

It was on Saturday, May 4th, when L. C. Chance, United States postoffice inspector of this division, called at the Appeal office with one of the envelopes bearing the thousand dollar reward inscription on the outside, and asked who was responsible for mailing it. Being informed that it was Mr. Warren, but that he was out of town for a few days, the inspector looked a trifle worried, gulped once or twice, furtively glanced about, straightened himself and emitted the information that he had a warrant for the arrest of the guilty party on the grounds of having sent "scurrilous, defamatory and threatening matter through the United States mail." In view of Mr .Warren's absence from the city, however, he would return at a later date and serve the papers.

A telegram was sent immediately to Mr. Warren conveying the information that he was to be arrested, and setting forth briefly the details of the case. Upon receipt of the telegram he hurried back to the Appeal office to find out clearly what had happened.

It was on the 8th that the United States marshal made his appearance and placed under arrest on a criminal charge this man who had never in his life, intentionally, violated a single law or harmed a human being. Had they arrested him on the charge of speaking his honest conviction, though "all earth's systems cracked," and using the Appeal to Reason to fight for the cause of labor and its representatives, the world would have had the true reason for his being so ruthlessly dragged into the federal court.

Read carefully the indictment ,but please keep in mind that at the time ex-Governor Taylor was a fugitive from justice, with an indictment for murder hanging over his head, and a reward of ONE HUNDRED THOUSAND DOLLARS BEING OFFERED BY THE STATE OF KENTUCKY FOR HIS RETURN:

INDICTMENT AGAINST WARREN.

United States of America,
District of Kansas, Third Division—ss.
In the district court of the United States, in
and for the district aforesaid, at the May
term thereof, A. D. 1907.

The grand jurors of the United States, empanelled, sworn, and charged at the term aforesaid, of the court aforesaid, on their oath, present that Fred D. Warren, on or about the 12th day of January, in the year 1907, in the said division of the said district, and within the jurisdiction of said court, then and there being, did then and there wilfully, knowingly and unlawfully deposit and cause to be deposited for mailing and delivery in the postoffice of the United States at Girard, state of Kansas, a certain envelope containing certain printed matter, which said envelope was then and there stamped with a two-cent United States postage stamp and addressed to J. L. Pierson, San Pedro, California, upon the face of which said enevolpe, otherwise mailable by law, there was then and there printed in large red letters, figures and characters, the following:

> "$1,000 reward will be paid to any person who kidnaps ex-Governor Taylor and returns him to Kentucky authorities."

Which said letters, figures, characters and language then and there were and are of a scurrilous, defamatory and threatening character, and calculated by the terms and manner and style of display and obviously intended to reflect injuriously upon the character and conduct of another, to-wit: Wm. S. Taylor, a former governor of the state of Kentucky, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

J. S. WEST,
Assistant United States Attorney.

Indorsed on back as follows: Bond $500. J. C. P. No. 261, Dist. Court of the United States, for the third division of the district of Kansas. The United States vs. Fred D. Warren, indictment mailing envelope with threatening and scurrilous language, I Supp. 621. A true bill. Jno. S. Gilmore, Foreman. Filed May 7th, A. D. 1907. Morton Albaugh, clerk, by C. M. White, deputy clerk.

Witnesses: L. C. Chance, Fort Scott; W. E. Baker, Girard, Kan.; J. L. Pierson, Los Angeles, Cal., 217 Pine Ave.

Mr. Warren accompanied the marshal to Fort

Scott, gave necessary bond and demanded immediate trial, as the federal court was then in session, but this demand was denied him and his case was set for the November term.

It is generally supposed that the prosecution in any case with evidence sufficient to arrest also has sufficient to try the case, and it is the universal custom for the defense to parry for time, but, strange as it may seem in the Warren case, the reverse was true.

Imagine, honest reader, you who have never had the fair name of your family dragged through the criminal courts, what your feelings would be were you placed in the position of Fred D .Warren or a member of his family. He had ever maintained a reputation for upright dealing and thorough honesty, handed down to him through generations of sturdy, honest parentage, without a single blot on the fair name of Warren as far back as it can be traced. His wife, as pure-souled and sincere as any woman who ever breathed, had traveled side by side with him through the bitter days of adversity when he was a country editor, endeavoring, amid the sneers and taunts of his fellow men, to cast one ray of light and hope upon what he had learned was a lying, hypocritical world, filled with darkness, misery and injustice, and so preposterously called civilized. Three beautiful, innocent boys of tender age, varying from three to ten, would feel keenly the apparent disgrace into which the family, naturally proud and sensitive, had been plunged.

The horror with which the reality that the tender father and loving husband of this little flock was to be dragged away to a prison dungeon dawned upon the inmates of the Warren fireside, including the aged father and mother, who had cared for and protected in infancy the accused, and had watched with parental pride his growth and development, can never be pictured in words.

Can you conceive of a thing more brutal and heartless than the needless delay of the federal court? The suspense as to what the outcome would be, whether the husband, father and son would be vindicated of the criminal charge and the fair name of Warren cleared of the unjust, though not disgraceful, blot that had been placed upon it. On the other hand, if the worst must come and the powers, through intrigue, perjury, and authority, insist on the incarceration of the victim, then in the name of justice and for the sake of the wife, parents and little boys, let it come as quickly as possible. Anything under heaven but the agonizing suspense of uncertainty.

CHAPTER X.

CAUGHT A TARTAR.

At last the federal government had fastened its merciless talons, not directly on the Little Old Appeal, but on Fred D. Warren, through whom it expected, if not to crush completely the paper, at least to intimidate it into adopting a more moderate and conservative policy. One thing was conspicuously apparent. The management of the Appeal must either right-about-face in its tactics of assailing so mercilessly the most sacred of capitalist institutions, the courts, and the national and state governments and their officials, or stand more persecution in the form of arrests, fines and imprisonment than have ever been meted out to the editors of any paper since the formation of these United States.

A free press idea might have been all right when our immortalized revolutionary forefathers drafted the articles upon which our government was founded, but in this day and age of American progress things are different. Of course, a free press is all right now, providing it will consent to be muzzled and refrain from saying things that might possibly interfere with the free exercise of the exploiter's power even to the reducing of American working men to the level of the Chinese coolie or the Mexican peon. If, from their exalted position, they decide to execute a few labor leaders, who per chance might be a menace to THEIR freedom as owners of the store houses of nature, the free (?) press must sit quietly by and say nothing.

The fight for a free press was now on and for the Appeal to give one inch, to hedge as it were, regardless of what any few individuals might suffer as a result, meant more to the American working men and their struggle for freedom than any fight of the kind yet waged in this country. If the emancipating literature of the revolutionary Socialist movement could by any means be suppressed, the capitalist interests unhampered could wax fatter and fatter on the sweat and blood and lives of the helpless toilers. If the Appeal to Reason could be cowed and browbeaten into submission—"denatured"—then the crushing of the other and smaller papers of like character would be an easy matter.

The issue was most important. Fred D. Warren could easily avoid a prison sentence, but at a cost that he would rather have gone to the gallows than accept. We, who know him, mean that literally. Rather than sacrifice principle, which he values more highly than anything else on this earth, they could place him behind prison doors and there keep him for the rest of his life. He came from a race through whose veins coursed the blood of martyrs . The hired courts of the most powerful despotism that has ever been built up soon learned this fact. For once in their career they got hold of a man who was thoroughly alive and who would fight to the death with weapons as stinging and merciless as living flame every encroachment upon his rights as an American citizen.

It has been evident ever since Warren's arrest that, had the federal court known in advance what the results of such an action would mean, they would not have started it for the world. Instead of finding in Warren a timid, shrinking, frightened individual, who would come before their MIGHTY TRIBUNAL in fear and trembling, as was the general custom of those who were summoned to appear before this inquisitorial and powerful institution that represents THE UNITED STATES OF AMERICA, they found a man whose motto, "no quarter," had long since been established where RIGHT is at stake. He went immediately before "THE HONORABLE (?) COURT," not in a cowering, terrified manner, but as a man fearless and unconquered. He said: "Gentlemen, you have charged me with having committed a certain crime. I AM NOT GUILTY, and feel that it is my right to demand that you give me a hearing during this term of court."

This right to an immediate trial was denied him, and the case was postponed until the November term. Six months must elapse before those so vitally interested would be released from their suspense.

After the postponement of his case, Mr. Warren went back to the Appeal, wrote the following and then plunged again into the Idaho struggle, where human life was the awful stake.

> Unable to muzzle the Appeal, the plutocrary has marked it for slaughter! The first big gun has been fired. The Appeal has been dragged into the federal courts, its enemies hoping to put it out of business by loading the paper down with the enormous expense involved in capitalist litigation. The Appeal is not complaining, nor does the cheerful information that the maximum penalty is five years in prison and a fine of $5,000 frighten us. The Appeal will hew steadfastly to the line of its campaign laid down a year ago and stay with it until gloriously triumphant. The Appeal knows no defeat. It has emerged victorious from a hundred battles. It is stronger today than it was yesterday and tomorrow will find it in full armor for the new fight as soon as the prison doors swing open to liberate the innocent victims now incarcerated at Boise.

No man not inspired with the spirit of genuine martyrdom could so completely bury his personal troubles in order to better fit him to fight for others as did Fred D. Warren after his indictment by the federal grand jury. With cool deliberation he continued to direct the power of the Appeal with renewed vigor and fearlessness on the heart-sickening tragedy being enacted in the Rocky Mountain region, the climax of which was fast approaching. The trial of Moyer, Haywood and Pettibone had been formally opened by Judge Fremont Wood, of the district court at Boise, Idaho, on May 8th, the same day on which Warren was indicted.

CHAPTER XI.

THE ACQUITTAL AT BOISE.

The Western Federation leaders, to whose defense Warren, with the powerful Appeal behind him, had so valiantly sprang, had at last, through their attorneys and public sentiment, forced the prosecution to give them trial. On the 8th day of May, 1907, one year, two months and nineteen days after the kidnaping at Denver, Judge Wood, of the district court at Boise, Idaho, forally opened the trial, and the selection of the jury began. Tense was the interest throughout the nation. No case in the history of modern labor troubles had aroused the American people to such a high pitch of excitement. The government agents, inspired by plutocracy's interests, were determined upon convicting and executing these men, through whom they would deal the working class a blow that would set the dawn of coming freedom back a generation. It had taken them a year and more to prepare the public mind through the capitalist press for the prearranged conviction. In this moulding of public opinion, which was so necessary, they had been ably assisted by President Roosevelt, who had besmirched the dignity of the highest seat of honor within the gift of the American people, by cowardly exclaiming from his exalted position that these men, who had never been proved guilty of ANY CRIME, WERE "UNDESIRABLE CITIZENS."*

The idea that "the king can do no wrong" had been handed down through the generations of the past and millions of Americans still believed that it was true of the president. Hence, a host of people were adjudging the accused guilty without further investigation. It is generally presumed among civilized people that one accused of crime is innocent until proved guilty. But, nevertheless, you can readily appreciate the tremendous effect an utterance of this kind would have coming from the source it did, and just on the eve of the trial.

No cowardly attack of this nature went unchallenged nor a single crooked move on the part of the enemy from Roosevelt down to Pinkerton sleuths but was exposed, analyzed and thoroughly exploited by the Appeal to Reason, and this work was slowly but surely creating a reactionary sentiment in the public mind, particularly among the working class, from which source there was beginning to be heard a sullen growl of ominous warning, menacing in its nature, defiant in its tone and portentous in its awakening consciousness. What would happen should these three men be executed no human being on this earth could foretell. One thing sure, something had been started, and the Appeal to Reason had been largely responsible for it. Where and how it would end was a serious matter of conjecture. Regardless of consequences, however, not one of the fearless defenders of Moyer, Haywood and Pettibone but was actuated by the highest and noblest of motives, nor did one shrink from any duty.

---

*Speech of President Roosevelt, April 4, 1906.

If these men were hanged then God alone could forecast the result. It was a desperate game that was being played. On the one side was arrayed the most powerful oligarchy the world had ever known. A century before, had it then existed, it could have taken the world by the throat and shaken it as a dog would a rat. On the other hand, however, there was lined up a force in opposition, the strength of which the world had never before seen, the first intelligent front the working class had ever presented to the Iron Heel of vested interests. A clash was imminent should the execution of the victims be ordered.

Debs had issued his clarion call and thousands were ready, yea, anxious to spring like tigers at the throats of their oppressors.

At the opening of the trial newspaper men, lawyers, witnesses, jurors and others interested in the famous case were there from every state in the union. The little city swarmed with detectives and "gun men," while in the court room the enemies and friends of the men at bar glared at each other with unmistakable hatred.

The Appeal had its correspondent, Geo. H. Shoaf, on the ground a week before the case was called, and it is needless to mention that he was under the constant surveillance of the Pinkerton and government detectives. His reports, in spite of every effort to intimidate him, were, from the first, fearless, bold and scathing. Mercilessly did he apply the lash to governors, judges, lawyers, and sleuths. None who were endeavoring to legally murder the entombed victims escaped the dare-devil pen. From the time the first juryman was called he seemingly did not sleep day or night. The infamous Harry Orchard testimony upon which the prosecution was basing its hopes and which has now passed into history as the most monumental cargo of villainous lies ever emitted from one individual was so thoroughly torn to pieces and proved to be false by this skillful correspondent.

It was on the morning of July 28th, just eighty days from the opening of the trial, that the jury, after twenty-one hours' deliberation, brought in a verdict of "NOT GUILTY" in the case of The State of Idaho vs. Wm. D. Haywood. This was without question the greatest victory for labor ever accomplished. It had so happened that through the sagacity of Darrow and Richardson, attorneys for the defendant, a jury of honest men had been selected, who, from the first, with the exception of one or two, realized the injustice and horror of the tragic farce endeavoring to be enacted, and refused, like men, to be a party to such an atrocity.

The details of this famous case have now passed into history, and it is presupposed that most of those who read this volume are more or less familiar with them.

The keynote of the address to the jury, delivered by the famous attorney, Clarence Darrow, which occupied seven hours and forty-five minutes, will live after his body goes back to the earth, and is worthy of being again repeated here:

> But it is not for Bill Haywood I plead. Or for his widow or his orphans. If he dies 10,000 men who work in the mines will send their mite to support the widow

and the little ones, and a million people will send their message of sympathy. I don't plead for Haywood. Don't think for a moment that if you kill Haywood you will kill the labor movement of the world or the hopes and aspirations of the poor. Haywood can die, if die he must, but there are others who will live if he dies, and they will come to take his place and carry the banner which he lets fall. I plead for the poor, and the weak, and the weary.

The eyes of the world are on you twelve men of Idaho tonight, and wherever the English tongue is spoken, and throughout the civilized world, they are wondering about your verdict. If you decree his death the spiders and vultures of Wall street will send up peals of joy, and wherever men live who hate Haywood because he works for the poor you will receive your meed of praise.

But if you acquit this man there are millions of men—out on the broad prairies, on the wide ocean, in the factories and mills, and down deep in the earth—there are women and children who will pray for you. These men and women and children stand here with me tonight, stretching out their hands and imploring God to guide your judgment and beseeching you to save Haywood!

On the verdict of Haywood hinged the fate of Moyer and Pettibone, and after his release it was only a matter of short time until they were liberated, but too late to save the life of the patient and brave Pettibone, who was lowered into an untimely and premature grave over which his fellow workers have erected a magnificent monument to the memory of this man who died for principle.

A glorious victory had been won. Capitalism had gone down to its first acknowledged defeat, while the instigators of the dastardly outrage had skulked in their slime to temproary cover. Monster jubilee meetings were held all over the nation, while the Appeal calmly cleared the decks for the big fight into which it had become involved because of its loyal activity in the one just over.

CHAPTER XII.

THE FIRST HEARING.

The inscription on the Appeal envelope was, in my opinion, inadvisable and open to objection, but I can see in it no violation of the law.—*Judge John C. Pollock.*

Was it not significant that Fred D. Warren, editor of the Appeal to Reason, which was the most potent factor in the fight to liberate Moyer, Haywood and Pettibone, was arrested on the exact day the western trial opened, May 8, 1907?

The history of enthroned power has ever been one of oppression, suppression and persecution for all who dared to use their voice or pen in protest. Plots of subtle character have ever been delibrately planned by the powers to thwart every move that tended toward freedom. We of today look back over the bloody pages of past history and wonder how the people could have stood for the things they did. In every age of the past, without an exception, the machinery of class government, regardless of how crudely organized, was used to enslave the majority, and when the next generation managed to bring about a change they marveled at the ignorance of the people who would tolerate such a frightful condition. Again, the next change, and each succeeding one, would bring on a like wonder as to how the people could have been so easily fooled by those in power, whereas the people who were thus marveling and wondering at the ignorance and stupidity of past generations, were in their turn being duped and plundered and murdered by the same power organized in a little different form.

The same is true today as it has ever been, and the future will look back upon this, presumably the greatest age in history, with more contempt and pity even than we of today look back upon the ignorance of the past. Nature's storehouses are bulging with raw material, while modern machinery can produce, if worked to its full capacity, ten times as much as the people could consume, and yet millions living in squalor and wretchedness; the great majority of the people shivering in the wintry blasts of poverty, while a few idle rich, who happen to own the machinery and the natural resources, riot in luxury and extravagance.

It does not take such a wonderful stretch of the imagination to conclude that the arrest of Warren and the opening of the Federation trial were skillfully planned by the powers that could read the signs of the times and understand that to permit this militant and virile agitation to go on unchecked would soon result in the realization of the dreams of these lovers of humanity. To relinquish the smallest portion of their power to throttle in its early stages every force that menaced their inherited privilege was to hasten the day of their own downfall.

Fred D. Warren and the Appeal to Reason was the nightmare to their peace of mind. Without this formidable antagonist they could have long ago put into execution their open threat that "Moyer, Haywood and Pettibone would never leave Idaho alive." It was the thorn in the flesh of Capitalism and it must be removed.

To arrest Warren on the same day the men in Idaho went to trial would, it was expected, so completely crush and intimidate him that he would be glad to moderate his fearless policy and devote his time, energy and ability to defending himself and the Appeal. How their plans miscarried, and how, although his case meant so much to him personally and to his family, he waved it aside and with renewed vigor continued with the more important work to which duty called him has been told in another chapter.

For a couple of weeks after Haywood had been liberated Warren relaxed. The strain during the trial had been frightful and when the words "not guilty" came over the wire this man, who had fought and conquered with nerve, fiber and brain, almost collapsed. Like a herioc doctor who, during an epidemic of cholera, treats everybody else before looking at his own tongue, so it was with Warren. He had served faithfully in securing the liberation of others, after which he began to look into and diagnose his own case.

Yes, he remembered his case had been postponed until the November term of the federal court. His wife, parents and babies were worrying frightfully over it. He must look around and see if he couldn't do something for himself. It was a trifle over two months before his case would be called and in the meantime he must prepare his defense. It was not alone his case, but a fight for a free press and for future generations.

It should be noted that the Appeal to Reason had mercilessly exposed President Roosevelt on various counts and had engendered the bitter enmity of that official. The part he played in persecuting Warren and the Appeal has never been fully learned, but that he took an active interest goes without question.

For several weeks before the November term of the federal court the air was full of rumors to the effect that other prosecutions were to be instituted; that the department of justice at Washington had taken the matter in hand; that both imprisonment and heavy fines were to be enforced as penalties and that there would be no relaxation in the program until the Appeal to Reason was a thing of the past.

In its issue of November 2d, just nine days before the court convened, the Kansas City Journal, one of the chief administration organs in the west, editorially denounced the Appeal as "a journalist outlaw which was unworthy the protection of the laws it had violated," and boldly advocated its suppression by the government. The same editorial referring to the Appeal stated that "The United States department of justice, acting at the suggestion of the president, had instituted proceedings against a Socialist sheet of Girard, Kansas."

A few days prior to the opening of the Warren case, Judge Frank Doster, ex-chief justice of the supreme court of Kansas, who had been retained by the defense, but was unable to handle it on account of an urgent case he had in the supreme court at Washington, wrote Warren in part as follows:

I received your copy of the Appeal with marked article concerning the threatened prosecution. I enclose herein similar article published in last evening's Topeka Journal. My judgment is that you and Debs and every one concerned with the Appeal are "in for it." The administration has started in to suppress the Appeal, or, if that be not possible, to compel it to abate its tone and character.

These are only scattering instances to indicate the sentiment that was prevalent regarding the attitude of the government toward the Appeal. Numerous others could be cited, but space forbids, with the exception of a "break" made by Assistant District Attorney West, who acted on behalf of the government at the hearing, November 11th.

When the case was finally called Gen. L. C. Boyle, ex-attorney general of Kansas, who was representing Warren, entered a motion to quash the indictment for the want of sufficient ground for prosecution, and then proceeded to make his argument in favor of the motion.

Following General Boyle in behalf of the defense, Assistant District Attorney West, in support of the government, made his argument against the motion to quash. During his argument he cited an adverse ruling of a judge in a certain case, and Judge Pollock, who was on the bench, asked him if he thought that was good law. "I do," was the prosecutor's answer. "I don't," retorted the judge from the bench, which rebuke irritated the government attorney not a little.

At the conclusion of the argument on the part of the prosecution, Judge Pollock put to the attorney a series of hypothetical questions. "Suppose," said he, "the authorities of the state of Kentucky had offered their reward of $100,000 for the apprehension of ex-Governor Taylor and had circulated the printed offer through the mails in the same manner in which this envelope (referring to the envelope on which the indictment had been returned) was circulated, would that have been a violation of the law?"

"Suppose, again," continued the judge, "the sheriff of a county were to offer a reward for a certain person accused of crime, though not tried or convicted, and printed said offer on a postal card and circulated it through the mails, would that be a violation of the law?"

The judge followed up these questions with the observation that while the inscription of the Appeal envelope was, in his opinion, INADVISABLE AND OPEN TO OBJECTION, HE COULD SEE IN IT NO VIOLATION OF THE LAW.

It was at this point that the prosecuting attorney made the "break" referred to above. When the judge stated that "he could see in this charge no violation of the law," the attorney snapped back, "I have a letter from the attorney general at Washington stating that the offense charged in this case is clearly in violation of the law and authorizing it to be vigorously prosecuted."

Mr. West did not read the letter, but there remained no doubt regarding the truthfulness of his statement, and that the authority to prosecute the Appeal came from the government officials at Washington, with the president of the United States, in all probability, behind it.

That Judge Pollock, had the government been ready for the trial at this term, would have acquitted the defendant was clearly evident to all who were in the court room that day. The United States government, knowing the case would again be postponed, had not seen fit, as yet, to "instruct" the judge, who was to try the case. Without instructions from the higher tribunal he was inclined to be fair and impartial toward the Appeal, and thus openly expressed his honest opinion that he "could see in the case no violation of the law."

In passing, attention should again be called to the fact that the postmaster of Girard could see in the mailing of the reward offer no violation of the postal rules and regulations, and Judge Pollock, a federal judge of the United States court in open session, could see no violation of any law. How, in candor and fairness, was Mr. Warren, who is not a lawyer, or even a postmaster, to know that he was violating the law? The indictment charged that he "wilfully and knowingly" committed this crime.

At the close of the arguments Judge Pollock requested that he be furnished with the briefs of both sides and then announced that the motion to quash would be taken under advisement and his decision rendered in due time.

It was on February 11, 1908, just three months after Judge Pollock had taken under advisement the motion to quash the Warren indictment, made by the defense during the November term of the federal court at Fort Scott, that he issued his refusal to dismiss.

During the interval of three months which had elapsed this weakling who bore the distinguished title of "JUDGE" had no doubt received his "instructions" and in conformity with the record of the judiciary since the institution was founded he became the willing—yea, anxious—retainer, as has been the habit of these debauchers of justice, of the ruling powers higher up.

With but few exceptions the units who make up the aggregate of this powerful bulwark of Capitalism, farcically termed "The department of justice," have never failed to pliantly obey the mandates of their masters, so what could be expected from this man, with an angle-worm for a backbone and a scarlet trail of rottenness and crookedness in all the highways and byways of his career, from the days when he practiced law in Oklahoma and sold out his own client, after working as his attorney and becoming familiar with all the details of this case, to his decisions, as a judge invariably rendered in the interests of his corporate masters.

Judge Pollock's record as an individual together with the record of court decisions of the past where the interests of Capitalism were at stake, gave the Appeal to Reason, and the man through whom they were trying to crush it, little hope for a fair and impartial trial.

CHAPTER XIII.

SETTING THE STAGE.

RECORD OF THE CASE.

Fred D. Warren was indicted May 7, 1907; gave bond May 8, 1907, for appearance at the November term, 1907, after first appearing before the court and asking immediate trial, same being denied him.

November, 1907, Warren appeared before the court at Fort Scott, with his attorneys, ready for trial, and on application of the government, postponement was taken until the May term, 1908.

May, 1908, Warren appeared before the court, accompanied by his attorneys, ready for trial, and again application for postponement was made by the government, and granted until "after election," November 6, 1908.

November 9, 1908, Warren again appeared at Fort Scott, ready for trial, and the government again made application for postponement, the same being granted, of course, until May 3, 1909.

May 3, 1909. At last the government was ready to try the case, after two years of haggling, postponing and getting "ready." Careful preparations had been made, even to the pardoning of ex-Governor Taylor, so that he might leave the state of Indiana in safety, and come to Kansas to testify that the offer of the Appeal's reward for his capture had defamed his spotless character. A jury made up, almost exclusively, of old soldier republicans had been selected. At last Warren was to

> get a hearing in this court of equity and justice. The result was foredoomed, as I hope to convince you in the following pages.

As will be noted in the above, it was the government which was prosecuting the case that had it continued each term of court. It was, lacking four days, just two years from the day that Warren was arrested, before he could get to trial, and when at last the day arrived that the United States government was ready to make its gallant (?) fight against this lone man, shame be upon its methods. Never before had there been such straining and twisting of law to make a case of violation as there had been in this one. It was obvious on the face of it that the government after bringing suit found its case entirely too flimsy for digestion on the part of the American people, particularly after the Appeal had so clearly shown that the whole proceeding had been inspired by an over-zealous desire, not to have justice rendered, but to either force the paper to the wall or intimidate it into adopting a reactionary policy. Unable to accomplish either of these designs, the government, through its attorneys, began to make overtures to Warren in an effort to get the case hushed up quietly and wait for a more opportune time to swoop down and suppress this fearless periodical.

It was promised by the government, through its attorneys not only once but several times, that if Warren would plead guilty, a nominal fine would be imposed and the case dropped. The facts relating to these proposals were published in the Appeal at the time, and also Warren's reply to the same. He said:

> If I should plead guilty and accept a fine of one dollar and costs, it would furnish a precedent that would be used in the future against labor and the Socialist papers. It would be cheaper for the Appeal, but it would be bad for the cause. In fighting for acquittal, therefore, I am fighting a battle for liberty of the press and not for myself. I would not accept a fine of one cent, because in so doing it would leave a precedent that would continually menace a free press, and if my refusal means that I'll get the limit let me say that I would rather get a thousand times the limit than sacrifice principle or give up this fight to my personal advantage and at the expense of the Socialist movement and a free press in America.

Again it was a question of principle that had in the past caused this man so many heartaches and blasted hopes that he could not sacrifice. It is not for me to say what the average person would have done in like circumstances. With wife and babies and aged parents praying that this thing which haunted them in their sleep and silently followed them through the day would be cleared up at the earliest possible date would not have tempted the best of us to accept the "nominal fine," which it was promised would not exceed $25, and relieve the distress of those near and dear to us.

But in the case of Warren, where is the man who dares to intimate that he was even tempted by this subtle offer? He knew in his heart that he was guiltless of any crime, and he had nothing to compromise.

Was it not a fact that every sheriff and every official in the United States had time and again sent out, through the mails, offers for the apprehension of criminals who were wanted? Was it not a common custom for banks and individuals to use the mails in offering rewards for persons who had committed crime, or were supposed to have done so? There was no law giving these parties permission so to use the mails any more than there was for the editor of the Appeal to Reason.

There cannot be the slightest question on the part of any human being who will look this affair squarely in the face but that the United States government was totally indifferent regarding this specific charge. It was not because Fred Warren had offered a reward for ex-Governor Taylor that he was being dragged through the federal court, but that he was editor of the Appeal to Reason and a Socialist of ability and power. This was clearly demonstrated when Clarence Darrow, who had, after the liberation of the Western Federation officials, been employed to defend Warren, went to Washington, armed with a grip full of these reward offers from all parts of the country and placed them before the attorney-general of the United States, and that individual, with a shrug of his shoulders, drew forth a large drawer and placed on the table for Attorney Darrow's inspection a large pile of MARKED COPIES OF THE APPEAL, together with other papers and clippings relative to this publication. He frankly admitted that it was not Warren that they were after so much as it was the Appeal to Reason.

Attorney Darrow wrote the Appeal while in Washington: "It is perfectly plain that for years the government has been busy in trying to get something against the Appeal for the purpose of destroying it. They are, no doubt, engaged in the same business at this time."

When Warren had spurned their contemptible overtures and exposed them to the world, in the true spirit of vindictive inquisitors, they began in deadly earnest to connive, manufacture evidence and lay their plans to convict WITHOUT FAIL, this man who had so defiantly rejected their proposals.

Several things were extremely important and must be assured if a conviction was to be brought. God knows the charge upon which their victim was to be tried was so ridiculously weak that no court on earth that was not "fixed" would ever convict him. Of paramount importance was: First, the judge. Judge John C. Pollock could be depended upon to do his part. No doubt about that. Second, the jury. The United States marshal could be depended on to impanel a jury that would convict. Third, perjured testimony. They could summon government witnesses who would swear to anything. Fourth, they could get Taylor pardoned and have him appear and swear to the necessary lies.

Under this arrangement, if they could carry it through without having their tactics analyzed and exploited, the world would look on and applaud that another outlaw had been brought to justice.

That this was their exact program cannot, of course, be absolutely verified, but that Warren was convicted under just such an arrangement as this, whether preconceived or not, is the undoubted truth of the matter.

The jury, as stated, was impaneled by a United States marshal, and was made up entirely of partisan republicans, every one of whom hated the Appeal to Reason and Socialism. More than half of these jurors were old soldiers, drawing pensions from the same government that was prosecuting the defendant. Hidebound to the core, every one of them. Some of them before the trial openly expressed themselves as believing that the Appeal to Reason should be suppressed and its editors sent to prison, affidavits to that effect being presented by counsel in argument for new trial.

These men were not naturally vicious, unless ignorance and prejudice can be classed with viciousness, but they were ultra patriotic republican pensioners, drawing their daily sustenance from the same source that the prosecution was drawing theirs. Could these men be expected to render a verdict adverse to the interests of their benefactors?

Look about you! Imagine six of your old soldier acquaintances who are republicans, and pensioners, on a jury that is to try for a political offense against the government, the editor of the Appeal to Reason. (I say political offense because that was, as shown before, exactly what Warren was being tried for.) Do you think they could or would render an impartial verdict? You know they would not.

There isn't one old soldier in twenty, who is a republican, who doesn't hate the Appeal to

Reason and considers it a printed incitement to revolt against the government from which he draws his pension; that Socialism which it advocates is a movement from hell itself, and that its leaders should be imprisoned or executed.

Was it a coincidence that all these jurors were republicans? That not a Socialist nor even a democrat was selected? Do you think so? Then why was it that in the entire venire of that particular grand jury, only one lonely democrat was summoned, and all the rest, some fifty or sixty, were republicans?

That this jury before which Warren was to be tried was packed, and deliberately, goes without question. Were it not so I could be arrested and convicted on the charge of criminal libel for publishing the statement. The Appeal to Reason editor, who published at the time a series of charges against the prosecution, had they not been true, and based upon absolute fact, would have had a flood of libel suits upon him and the Appeal, from under which they could never have been extricated.

Two illustrations of prejudice on the part of jurors will suffice to indicate the feelings of all, with possibly one or two weak exceptions.

F. M. Jones, an old resident of Oswego, Kan., in an affidavit read by the attorney for Warren in the argument for a new trial, said: "I am well acquainted with Geo. W. Matthews, of Oswego, who served as a member of the jury in the Warren case. I have had some business dealings with said Matthews, and as we are both old soldiers, we have been in the habit of talking together a great deal. During the fall of 1908, and while the political campaign was in progress, I heard the said Matthews frequently say 'that Fred Warren, the editor of the Appeal to Reason, ought to be dealt with to the fullest extent of the law.'"

This man Matthews, at the trial a few months later, swore that he could sit in judgment, unprejudiced and unbiased, and that he had not formed any opinion on the case.

An affidavit by E. C. Simon, a real estate man of Garnett, disclosed the fact that early on the morning of the Warren trial at Fort Scott Eli B. Long, of Garnett, one of the jurors, in a conversation with Attorney Hugh Lardner, of Fort Scott, and the deponent, declared that Fred Warren, of the Appeal to Reason, had been "horsing" for a trial and now he guessed he was going to get it. Attorney Lardner, on the witness stand at the hearing for a new trial, later testified that on the morning of May 5th, date of the trial, he met Mr. Simon, of Garnett, and Eli Long of the same place, on the street. In the course of the conversation Lardner said Long referred to the Warren case saying that Fred Warren had been "horsing" for a trial and now he guessed he was going to get it. Long also denounced the Appeal to Reason, testified Lardner, by calling it a "villainous sheet." When remonstrated with and advised that inasmuch as he was a juror he might be called to sit on this case, he stated that he was too far down the list and would not be called.

Later he was called and swore that he could sit in judgment unprejudiced and unbiased, and that he had not formed any opinion on the case.

Affidavits were brought against more than half of the Warren jury, conclusively proving that they had taken their seats after having publicly stated their prejudice against the defendant, the Appeal to Reason and Socialism beforehand.

This much for the jury from whom Fred D. Warren was to expect a fair and impartial trial. The success of the other plans of the prosecution will be shown in the succeeding chapter.

CHAPTER XIV.

THE TRIAL—CONVICTION.

The evening before the trial, May 3rd, Comrades Warren, Debs and myself took the train to Fort Scott in order to be on hand at the opening of court the following morning. General Boyle, one of Warren's attorneys, was in the city and Darrow arrived during the night. After consultation with the attorneys the following morning at the hotel, we all wended our way to the federal building where court was to convene at nine o'clock. Warren took his seat with his attorneys inside the docket, while Comrade Debs and myself occupied seats near a window outside of the dock. We were present at least half an hour before court was to be called and the courtroom was filled when we arrived, while it was only a few minutes until the stairs were packed and fully as many people, who could not get in at all, were on the outside.

On the stroke of the hour there was a stirring at the outer door, a shuffling of feet, changing of positions, murmurs and a craning of necks as Judge John C. Pollock of the federal court of the Fifth district of Kansas, in immaculate dress, and with much dignity, took his seat, after which he looked out learnedly over the assembled multitude; smiled broadly and condescendingly, as much as to say: "You poor worms—what can I, Judge John C. Pollock the learned, do for you?" His eyes then rested on the defendant, but they didn't remain long. He saw in those clear grey orbs no indication of fear or cringing and those who noticed the exchange of looks, had they not been familiar with a courtroom arrangement, would have thought that Warren was the judge and Pollock the culprit. Warren calmly looked the judge squarely in the eye, while the latter looked guilty, weakly smiled, and then blushed to the temples of his powdered face. He then turned to a large buck negro, who stood like a statue near the judge's bench, nodded his head and the negro bailiff in a deep bass voice cried out: "Hear ye! hear ye! hear ye!" etc.—and winding up by bowing his head and offering the regular court prayer: "God save this honorable court."

Comrade Debs remarked in a low voice to me: "I think if there is anything on earth that needs to be saved it is these damned courts."

It took until 4:45 in the afternoon to select the jury, after which court adjourned until 10 o'clock the next morning.

On the opening of court, District Attorney Bone, for the government, recited briefly the charge that on January 12, 1907, a certain envelope on which was printed in red ink the inscription, "$1,000 reward will be paid to any person who kidnaps ex-Governor Taylor and returns him to the Kentucky authorities." The statement set forth that the envelope was mailed to J. L. Pierson, of San Pedro, California, and that it had been sent out at the suggestion of Fred D. Warren, editor of the Appeal to Reason, in company with some twenty thousand other envelopes bearing the same inscription.

Attorney Darrow, for the defense, requested that he be permited to make a statement later, but request was refused him.

W. E. Baker, assistant postmaster of Girard, was the first witness called for the government. He testified that Warren had come to the postoffice and inquired as to whether or not the envelope bearing the inscription was mailable, and that he and the postmaster, A. M. Wasser, had looked through the postal guide containing rules and regulations governing such matters and had advised Mr. Warren that they had been unable to find any law prohibiting the mailing of such a reward.

A. M. Wasser, postmaster of Girard, was next called and testified to the same effect.

L. C. Chance, postoffice inspector, followed Mr. Wasser and gave the first perjured testimony. He swore that Warren told him in the presence of Mr. Wasser, the postmaster, that the mailing list of the Appeal had been destroyed. This was a deliberate falsehood, and Wasser testified, when called again to the stand, that he heard virtually every word that passed in that conversation between Warren and Chance and that at no time did Warren say the mailing list, which was supposed to contain the name of J. L. Pierson, was destroyed. Chance knew he was lying when he gave that testimony, but he knew the effect his statement would have upon the minds of a jury of republican partisans. The object was to convey the idea that the lists had been destroyed in order that they could not be used as evidence in the trial.

At the close of Chance's testimony Kentucky's former governor, Wm. S. Taylor, took the stand. His testimony was brief, but backed with perjury. Among other things he was asked if, at the time Warren offered this reward, he was under indictment for murder by the state of Kentucky, and he said he was not. The United States district attorney, evidently wishing to impress the jury with the idea that Warren had tried to have an innocent man kidnaped, and had so grossly defamed a virtuous man's character, repeated the question: "You say that at the time Warren sent out this envelope no indictment had been returned against you?" "No," was again the answer.

According to the official record the indictment against Taylor, which was secured by counsel for Warren later, was brought by the federal grand jury of Franklin county, Kentucky, on April 19, 1900, and it charged him with being accessory before the fact to the wilful murder of William Goebel.

The object of this perjury was as plain as if it had been openly stated. The jury was given to understand that Taylor was a terribly wronged man, that in January, 1907, when the reward was offered, he was not in Indiana to evade the laws of Kentucky, that no indictment stood against him for murder, and that Warren, who was a Socialist and a monster in the eyes of the jury, had defamed an honorable EX-REPUBLICAN GOVERNOR. The lie went direct to the heart of each individual juror, whose sympathies were all with this "persecuted" republican patriot, and did more than anything else to incite the hatred of this republican jury against the Socialist editor, and beyond all shadow of doubt it sealed his doom.

The character and nature of Taylor's testimony, however, is only a concrete illustration of the character and nature of the whole infamous prosecution of Warren. Being unable to deny or explain his disclosures of the graft and crookedness of the national republican administration, and smarting under the terrific hammering he was giving their official acts in the Appeal to Reason, the machinery of government was put in motion and all its forces employed to encompass the destruction of the victim marked for vengeance.

It was a strange parallel that William S. Taylor, a capitalist and a republican wanted for murder, should, without trial, be pardoned and appear in court and upon false testimony assist in convicting a man for offering a reward to have him returned to the state where he was wanted.

Taylor, the republican and capitalist, pardoned; Warren, the workingman and Socialist, convicted. Taylor, the refugee, released for the purpose, acted as a witness against Warren who had never fled from the courts, against whom no suspicion of crime was ever entertained, and who, in his own community, stood the peer of honor and uprightness of any citizen in it. Taylor was indicted for the crime of murder. Warren was indicted for offering a reward for the capture of the supposed murderer. The one was liberated to bear false testimony against the other, who was convicted.

If this record does not triumphantly confirm Warren's original contention relative to the class character of the courts, to illustrate which he offered the reward in the first instance, and their readiness to release a capitalist and convict a workingman, then language has failed of its meaning and most serious human action becomes the merest joke.

Taylor concluded the testimony of the witnesses called by the government, and the prosecution rested. A recess followed for conference of counsel and defendant to consult regarding witnesses they should put on. It happened to be the writer's privilege to participate in this consultation, and had I not already known intimately the character of Fred D. Warren and his loyalty to truth, about a minute in that room would have dispelled all doubts. The attorneys wanted him to go on the stand in his own defense, but insisted that should he be asked a certain question regarding a minor technicality, he was to dodge it. Warren quickly gave his attorneys to understand that if he went on the stand he would tell "THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH." They endeavored to remonstrate with him and insisted that he would not have to swear to a lie, and he again repeated that he wanted it understood that he would tell the truth, the whole truth and nothing but the truth, and he furthermore declared that he would not stand for anything that even hinted of perjury from any witness put on in his defense. That he meant what he said there was no doubt in the minds of those in that room.

There was not the slightest idea on the part of his attorneys to have Warren or anyone else swear to anything false, but in court ethics there are circumstances under which a technicality shaded one way or the other may make a world of difference in its influence upon a jury. Warren's desire was to tell a straight-forward story, leaving nothing out, and adding nothing. On the other hand his attorneys did not entirely approve this attitude and persuaded him, against his judgment, not to take the stand at all. The writer, as foreman of the business office of the Appeal at the time the letters were mailed, was, consequently, the only witness called by the defense. It took but a few minutes to elicit his testimony, which consisted chiefly in the fact that he had mailed the envelopes in question, numbering approximately twenty thousand, to the Appeal Army, receiving instructions from the defendant, Fred D. Warren, to that effect. There was no effort on the part of the defense to deny that these envelopes had been mailed, and that Fred D. Warren was responsible for the mailing, Warren himself insisting that this must be made plain to the jury. Following this brief testimony on the part of the defense the lawyers made their pleas to the jury, which we will pass without unnecessary comment.

The prosecution dealt chiefly on the point that the reward was offered for Taylor at a time when no indictment stood against him, which they knew was false, and 'that he was a terribly wronged and defamed man as a consequence; that his reward offer had been printed in "Red Ink," a symbol of anarchy, and had been threateningly directed against an ex-governor and republican patriot.

Had the defense been gifted with supernatural power direct from the Almighty they could not have overcome the deep-seated hatred which the jury of old soldier republicans and pensioners had conceived for the defendant even before they were called upon to enact the travesty upon a fair and impartial trial.

"GUILTY" it was foreordained should be the verdict, and such it was.

During his argument before the jury, Prosecuting Attorney Bone, in an impassioned plea in behalf of ex-Governor Taylor, turned to Attorney Darrow in a dramatic manner and asked him in a voice tense with feeling how he would like to have a reward of a thousand dollars offered for his return to Kansas after his departure from Fort Scott to his home in Chicago. Darrow smiled at the prosecutor and then quick as a flash retorted in a quiet voice: "I would expect it if I was under indictment for murder." It is needless to say that Bone did not again attempt to pillory Darrow. Behind that good-natured smile there was something which plainly told the prosecutor that it was loaded.

Following the jury's verdict of "guilty" the attorneys for the defense asked a stay of proceedings for ten days, at which time a motion for a new trial would be argued. This was granted.

CHAPTER XV.

THE CLIMAX.

It was not until July 1st, two months after Warren had been adjudged guilty, that Judge Pollock invited the defendant to appear at Fort Scott to present argument for new trial and show cause why sentence should not be pronounced. Attorneys Darrow and Boyle reviewed the case of their client from its beginning down to the verdict of guilty rendered by a biased and unfair jury. They tore to shreds the perjured testimony of ex-Governor Taylor and L. C. Chance, the principal witnesses for the prosecution. They produced numerous affidavits showing unquestioned prejudice on the part of at least one-half of the jury, and clearly proved to the entire satisfaction of every fair-minded person in the court room that if there was ever a convicted man on this earth who was entitled to a new trial that man was Fred D. Warren. But the attitude of the judge, the prosecuting attorneys and the other government officials plainly indicated from the beginning that the application would be denied and sentence pronounced. It was only a matter of form that the defense was permitted to make their motion and argument. The decision of the court was settled in advance. Evidence, affidavits, arguments, pleas—it was all useless and so far as hope of securing justice was concerned, was a total waste of time. Never was a phrase more properly applied that when Warren leaned over to one of his attorneys and in an undertone said: "What's the use?"

The last bit of uncontradicted evidence disclosing the bias and prejudice of the jury who convicted Warren had been introduced. Proof positive had shown the grossly perjured testimony of chief witnesses and everything possible had been done to secure a stay of judgment and a new trial, but all in vain. Judge Pollock had overruled the motion of the defense and extended the customary invitation to be shown cause why sentence should not be pronounced, when Judge John C. Pollock's court was treated to a surprise such as probably no other federal court in the history of that institution was ever treated.

Since the installment of the courts in the United States, supposedly established for the purpose of meting out justice to all without discrimination, American people have reverently exalted them. To criticise the courts Mr. William Jennings Bryan once said "is of a very serious matter." This is simply the expressed opinion of practically every American since the institution was formed. Seemingly there has never been one with the hardihood and courage to criticise them regardless of how tyrannical, unjust or corrupt they might be.

Never was one of these sleek, well-fed dispensers of law, called federal judges, more dumbfounded with surprise than was Judge Pollock when he formally extended his invitation and Fred D. Warren, the convicted, arose, looked the judge calmly in the eye and said in a firm, clear voice: "Yes, your honor, there are some reasons why sentence of the court should not be pronounced."

Friends and enemies alike were taken so completely by surprise that consternation, wonder, admiration and awe was clearly mirrored on every countenance. The attorneys for Warren were as much taken by surprise as the others in that court room. It was solely on his individual initiative that he determined to take matters in his own hands.

Geo. H. Shoaf, who reported the trial, said in part in the next issue of the Appeal: "Tense were the feelings of the spectators as Warren faced the court. Instinctively it was realized that something was about to happen, but just what it would be no one could think or say. The benign face of Clarence Darrow, the celebrated lawyer, who was defending Warren, showed concern, as did the faces of his associate counsel, when it became evident that their defeated but unconquered client was about to initiate action in his own behalf. The government's agents and attorneys looked as if a red flag had been unexpectedly unfolded or a bomb was about to be hurled, and they cringed speechless in their chairs. Judge Pollock himself, his eyes fastened on the figure before him, his countenance plainly revealing the conflicting emotions of his mind, sat is if stricken dumb.

"With his hands on the table before him and his eyes looking straight and fearlessly into those of the court, Warren, in clear and forceful tones, began a speech as remarkable as it is without a parallel. The unexpectedness of the proceeding and Warren's boldness of utterance astounded Judge Pollock. Once or twice Prosecuting Attorney Bone looked appealingly at the court as if the latter dignitary ought to foreclose on the speaker's remarks, but the court was too preoccupied with amazement to except. To a silenced judge and in the presenec of an audience whose very breathing could neither be felt nor heard Capitalism's most prominent victim and labor's uncompromising champion proceeded with the uncovering of the causes that had led to his conviction. Never in his life had Judge Pollock listened to a speech like this made in the federal court.

"Warren represented in the concrete the agony and woe, the blood and tears of the working class of the world. He typified the issue between the ruling class and those who are fighting the age-long war for human emancipation. Through him were voiced the outraged sentiments of men, women and children who in the field, factories and mines do the work of the world and who in some way would protest against the methods by which the wealth their work creates is taken from them and given to those who labor not. Here in this federal court, the strongest bulwark of the system that is responsible for the agony and blood and outraged sentiments, Warren, already convicted and about to receive sentence, faced without hesitation and without a tremor the flesh and blood embodiment of Capitalism's mighty power and challenged him to do his worst.

"Warren's speech climaxed his defense and clinched it irrefutably in the consciences of his auditors. If there had been any doubt as to the injustice of the prosecution and the animus and origin of it, this doubt rapidly dispelled as the speech proceeded. After sentence was pronounced and the prisoner was admitted to bail pending an appeal, John H. Crider, one of the most prominent republicans in Fort Scott and probably in secret society circles the most influential man in Kansas, who had listened to Warren's address, came forward and volunteered to sign his bond. Downstairs after adjournment of court a group of men, democrats and republicans, united in open indorsement of the speech and unqualifiedly expressed their admiration of the man who made it. 'If ever that man runs for president he will get my vote,' declared one of those who participated in the discussion."

"Warren's speech and Darrow's argument put this case in a different light," said R. J. Finley, one of the jurors who voted to convict and who sat through the proceedings of the day. "There is no question as to Warren's ability and sincerity. I am not a Socialist, but as far as I am able to determine I believe Warren is honest and free from criminal intent," Finley declared.

It is difficult to interpret the impression that was made on the mind of the court. Ordinarily convicted prisoners accept sentence in silence. Warren's course petrified with astonishment the court to whom his remarks were addressed. An age seemed to have elapsed before Pollock recovered sufficiently to proceed. It was very evident that he did not know what to say. Undoubtedly he had made up his mind as to the severity of the sentence, but this speech from the prisoner apparently upset his plans. Now he vibrated between doubt and despair. Warren, possibly with a note of defiance, had announced that he did not ask or expect clemency or mercy; that he was not guilty and was not conscious of having committed an offense. The United States district attorney had demanded that the full penalty of the law, five years in the pententiary and a $5,000 fine, be inflicted.

With halting tones and in a manner plainly denoting the confused condition of his mind, Pollock began the pronouncement of the sentence with an apology in part and an attempt at argument in reply to Warren's speech.

According to the Fort Scott *Tribune* this impassioned address made a most profound impression. It said: "The fact that Judge Pollock stated he had given the case weeks and weeks of deliberation and had hardly known what to do shows that Warren may have had some merit in his claim that the government had sanctioned kidnaping. The speech Mr. Warren delivered will be kept as a treasure by many who are with him in this case."

WARREN'S ADDRESS IN THE FEDERAL COURT AT FT. SCOTT, JULY 1ST, 1909.

Warren's speech in reply to the invitation of Judge Pollock at Fort Scott, Kan., to show cause why sentence should not be passed, which follows, is destined to become immortal in revolutionary literature.

"I wish to call the attention of the court to the fact that this case is the outgrowth of the kidnaping of three workmen by the agents of the great mining corporations, with the connivance of the state officials of Idaho and Colorado. The kidnaping of these workingmen was acquiesced in by the president and sanctioned by the supreme court of the United States.

"In referring to the manner in which these workingmen were taken from their homes as kidnaping I wish it understood that no less distinguished a personage than Justice McKenna of the supreme court of the United States used this term in dissenting from the opinion of his associates. Justice McKenna, after reviewing the facts laid before the supreme court, said:

"In the case at bar the states, through their officers, are the offenders. They by an illegal exertion of power deprived the accused of a constitutional right. * * * Kidnaping is a crime, pure and simple. * * * All of the officers of the law are supposed to be on guard against this. * * * But how is it when the law becomes the kidnaper—when the officers of the law, using the forms and exerting its power, become abductors? This is not a distinction without a difference, another form of the crime of kidnaping, distinguished only from that committed by an individual by circumstances. If a state may say to one within her borders and upon whom her process is served, 'I will not inquire how you came here; I must execute my laws and remit you to proceedings against those who have wronged you,' may she so plead against her offenses? May she claim that by mere physical presence within her borders an accused person is within her jurisdiction denuded of his constitutional rights, though he has been brought there by her violence? And constitutional rights the accused [the three workingmen I have alluded to] in this case certainly did have, and valuable ones.

"Justice McKenna voiced my views and the views of every law-abiding citizen on this important matter touching the rights of the individual. But the supreme court declared otherwise and refused to grant the relief ask for by these workingmen and guaranteed to them by the constitution of the United States and by every consideration of fair play and justice.

TO TEST THE SUPREME COURT.

"It was during the heat of this struggle between the Western Federation of Miners and the wealthy Mine Owners' association of the west that I conceived the idea of offering a reward for ex-Governor Taylor, who, as was generally known, was a fugitive from justice from his home state of Kentucky and in hiding in

Indiana, protected from the service of requisition by the governor of Indiana, whose position was indorsed by Governor Roosevelt of New York and every prominent republican politician and newspaper in the United States.

"Would the supreme court hold to its opinion that kidnaping was not a crime if the victim was a member of the republican party and a representative of the capitalist class? I did not believe that the $1,000 offer by the Appeal would induce any man to undertake the abduction of Mr. Taylor, as for seven years the state of Kentucky had a standing reward of $100,000 for the capture of the murderers of Governor Goebel. for which crime Taylor had been indicted by the Franklin county grand jury in January, 1900.

SIMILAR TO OTHER REWARDS.

"But I did expect that the offer of this reward in the manner and with the language used would attract public attention to the kidnaping decision of the supreme court. I felt that if this decision, sanctioning the kidnaping of poor and defenseless workingmen by rich and powerful capitalists, was understood by the American people a wave of protest would sweep the country and force the supreme court to recede from its position, as had been done before, notably in the famous

Dred Scott decision, and will undoubtedly be done again.

"This Taylor reward was circulated through the mails in a manner in daily use by banks, private detective agencies, anti-horse thief associations, sheriffs and marshals. I have here three postal cards mailed by national and state banks offering rewards for the arrest of men whom these banks allege to have committed crime. The card which I offer for the inspection of the court, it will be noted, bears upon the back or outside of the cord, in large letters, figures and characters, the following language: 'B. B. Bond, produce dealer, wanted for issuing forged bills of lading; $250 reward will be paid by the First National bank, Nashville, Tenn., for his arrest and delivery to Nashville authorities.'

FIRST INSTANCE ON RECORD.

"It will be observed that this language, to quote this court's decision on our demurrer to the indictment, 'is calculated to impress the readers of the language with the thought that Bond was guilty of the commission of some crime for which he would be prosecuted by the Tennessee authorities if captured and returned to them.' It can further be said, following the court's line of reasoning, that his language was obviously intended by the First National bank to reflect injuriously upon the character of B. B. Bond and from its terms and the manner and style in which it was displayed on the postal card is calculated to have that effect.

"The other cards contain similar language and display. This is charcteristic of thousands of cards which daily pass through the mails of the United States, and yet in not a single instance has any effort been made by the government to rid the mails of this objectionable matter and protect those of its citizens who are fugitives from justice.

"My arrest and conviction is the first instance on record where a man was prosecuted for attempting to bring to the bar of justice an indicted fugitive charged with the crime of murder.

THE REASON NOT HARD TO FIND.

"There must be some reason why I alone of the thousands of men who, according to the rule of this court and the opinion of the district attorney and his assistant, have committed substantially the same act should be singled out and marked for prosecution.

"The reason is not hard to find. Society today is divided into two classes. On the one side we find the work people—men, women and children—who have no means of obtaining a livelihood but by their hard labor. On the other hand we find a relatively small group of men who own the land and the tools which these people must have access to if they are to live. It is the primary if not the sole purpose of the men who own this productive property to obtain as large profits as possible, while on the other hand the work people strive constantly to increase their wages. This creates a class conflict.

THE CONFLICT BEGAN WITH CIVILIZATION.

"This conflict began with civilization and has come down under varying forms to this day and will continue with increasing intensity so long as a small group of rich men are permitted to lay upon the masses, to quote from Pope Leo, 'a yoke little better than slavery.' Discussing the ever-present problem of labor and its compensation, John Adams, in 1776, observed:

> "It is of no consequence by what name you call your people, whether by that of freemen or slaves. In some countries the laboring poor men were called freemen, in others slaves, but the difference was imaginary only. What matters it whether a landlord employing ten laborers on his farm gives them annually as much as will buy the necessaries of life or gives them those necessaries at first hand?

"Coming down to the civil war period, we find that the Charlestown Baptist Association in presenting a memorial to the Georgia legislature in 1835 discussing this ever with us problem of labor gave expression to the following conclusion:

> "It amounts in effect to this—whether the operatives of a country shall be bought and sold and themselves become property, as in this state, or whether they shall become hirelings and their labor only become property, as in some other states.

SLAVERY OF THE WORKING CLASS.

"It will be seen from these two quotations, clearly reflecting the opinion of the revolutionary and civil war periods, that the master class recognized no difference between the chattel slave and the wage hireling. In 1865 Karl Marx, the founder of scientific Socialism, summed up the labor problem in the following striking sentence:

> "In point of fact, however, whether a man works three days of the week for himself on his own field and three days for nothing on the estate of his lord, or whether he works in the factory or workshop six hours daily for himself and six hours daily for his employer, it comes to the same thing.

"This surplus value over and above that which is required by the slave, the serf and the wage worker to maintain his physical existence is the portion which the master, the feudal lord and the capitalist have taken by force of arms in the first case, by ownership of land in the second and by ownership of tools and cunningly devised laws and court decisions in the last instance.

"The slave master built up a civil and political system which protected his right of property in the bodies of his slaves and the wealth they produced. One does not have to go very far back in the history of this country to find confirmation of this statement. Prior to 1860 the laws enacted by congress and by most of the several states, backed by the decisions of federal and state courts, had for their object the protection of the slave master in his right of ownership of men, women and children. The man who dared raise his voice in protest against the exploitation of the black man was branded as a traitor to his country. If he attempted to speak he was thrown into jail, and if he attempted to print a newspaper voicing his sentiments his press was destroyed and he was mobbed and murdered.

"What was true in the two revolutionary periods which marked the disappearance of a political system based on kingcraft and a political system based on chattel slavery is true today.

MARKED FOR PERSECUTION.

"The men and the newspapers that have espoused the cause of men, women and children who work in the fields, factories and mines of this nation, are marked for persecution, as were the revolutionary and abolition editors before them. For ten years as editor of the Appeal to Reason I have been in constant conflict with the ruling class and the men who hope to pick up the crumbs which drop from the tables of the great captains of industry, on whose will employment depends, not alone in the industries, but in the government and municipal service.

POSTOFFICE AND COURTS VERSUS APPEAL.

"The postoffice department was first employed to hamper and harass the Appeal to Reason in its work of education and enlightenment. The most absurd rules and regulations were specially formulated to apply, as Third Assistant Postmaster General Madden wired to the Girard postmaster 'to the Appeal to Reason.' In every instance where our right to the mails was questioned the Appeal won a signal victory, because we strictly obeyed the spirit and the letter of the law.

"Then the aid of the courts was invoked to accomplish what the postoffice department failed to do. The courts today, as prior to 1860, are with the owning and ruling class. Daily this fact is becoming more apparent. One has only to refer to the long list of decisions in which the interests of labor and capital are opposed to verify this statement. The blacklist has been legalized and the boycott outlawed. The injunction has been used with telling effect in labor controversies to terrorize and crush the men who work, while it has proved ineffective and of no avail when directed against great capitalist interests, as President Roosevelt pointed out when he was engaged in his battle with the great packing industries.

"The people of Missouri in their capacity as sovereign voters recently elected a governor and legislature on a platform demanding relief from railroad extortion. A two-cent fare bill was enacted into law. This law was upheld by the state supreme court. The railroads went to the federal courts, which, with the stroke of a pen, nullified the will of 3,000,000 people. So closely allied has become the federal judiciary of this country to the great corporations that even now there is pending in congress a resolution demanding an investigation of the acts and conduct of the federal judges who have prostituted their high office to the profit of these corporations, three-fourths of which, according to a statement made by Governor Hadley, are either illegally organized or unlawfully conducted.

FIGHTING INDUSTRIAL DESPOTISM.

"For years the Appeal to Reason has been waging almost single-handed a fight against the oppressive and intolerable industrial and political conditions which confront this country. We frankly admit having been unsparing in our criticism of the acts of public officials and the courts of this land. We have dared to tell the truth, and it is because of this that I face this court today a convicted felon in the eyes of thousands of men and women whose respect I covet.

"Whence came this prosecution? The Kansas City *Journal* in November, 1907, editorially stated that the department of justice at the instance of the president of the United States had been instructed to commence proceedings against a Socialist sheet at Girard, Kan. I do not know the *Journal's* source of information, but am inclined to believe from facts now in my possession that this prosecution of the Appeal to Reason has been directed from the attorney general's office in Washington.

"When the Pierson envelope, on which this action is based, was sent to the postoffice inspector of this district from Los Angeles, that gentleman turned it over to the district attorney. The district attorney returned the envelope to the postoffice inspector with the opinion that there was no ground for action. The inspector in making report to the department at Washington marked the case 'Closed.' He later explained to me that this meant that so far as the district of Kansas was concerned no further action would be taken. But soon thereafter word was received from Washington, so the assistant district attorney announced in the presence of this court, that there had been a violation of the law and that the case must be reopened and vigorously prosecuted.

"WE ARE AFTER THE APPEAL."

"The district attorney's office at Topeka, however, revised its decision after hearing from Washington that there was no ground for action against me. One of my attorneys journeyed to Washington and laid before the department thousands of reward cards similar to the Taylor reward which had been mailed from nearly every city in the union. When my attorney inquired why the Appeal was singled out for prosecution on this flimsy charge, while all the senders of these other cards, who were equally culpable, were not molested, the representative of the governmetn opened a drawer in his desk and produced an armload of marked copies of the Appeal.

"Blue pencil marks designating certain articles in the Appeal indicated that this paper is pretty closely read by high government officials. The government official shrugged his shoulders in reply to Darrow's question and remarked, 'We are after the Appeal.'

"This case has dragged its weary way through this court for over two years, continued from time to time at the instance of the government. I submit from these facts that I am not prosecuted for having violated any federal law, but purely because of my political opinons and my work in behalf of the working class of this nation.

"This prosecution is not unexpected to us. As plainly stated by the government official to whom our attorney talked while in Washington, it is evident that secret service agents of the government have been camping on the trail of the Appeal, for, lo, these many years.

"Is it not pretty conclusive evidence that we have observed religiously the laws and regulations governing the conduct of a newspaper when after ten years of effort the government is able to find only this lone and paltry alleged violation?

"Personally I feel proud of this record. I feel no sense of guilt, nor will the world approve this conviction when the truth prevails and the facts are known.

SUBMITTED COPY TO POSTMASTER.

"The government's witneses testified here on the stand that I submitted to them copy of the matter I expected to mail and asked whether in the postmaster's judgment it constituted a violation of the federal law. That official, after looking the matter up, said it did not, and I want to say here that during the ten years of my connection with the Appeal to Reason I have had frequent occasion to consult with the postmaster at Girard on matters relating to the postal laws, and in no instance was his judgment ever at fault. He assured me that in his judgment the matter I proposed mailing was identical in character with the thousands of postal cards mailed at his office by the sheriff, the marshal and the officers of the Anti-Horse Thief Association.

"In submitting to this court these postal cards mailed by bankers, it is not my intention that the government should proceed against these men on the evidence furnished by me. I know these gentlemen are immune from prosecution because they represent the dominant class in society today. The rewards which they offer are for men who have committed crimes against property, and in the prevailing social system the property of the rich is of vastly more consequence than the life and liberty of the poor.

IS CRITICISM A CRIME?

"On the other hand, the editor who has espoused the cause of the wage slave today has in the eyes of the ruling class committed a crime against existing institutions for daring to offer a reward for the apprehension of an influential member of the dominant political party.

"I have also dared to criticise a decision of the highest judicial tribunal in the United States. Judge West, the assistant district attorney, who assisted in my prosecution, in his argument a year ago last November, after presenting his reasons why the demurrer in this action should be overruled, closed his argument in a burst of passion with the statement that 'as a matter of fact this literature was sent out for the purpose of bringing into contempt and discredit the supreme court of the United States.' Is criticism a crime? And is it for this I am being prosecuted?

OUR COLONIST FOREFATHERS.

"Smarting under the vicious attempt of the English king to prevent the circulation of revolutionary newspapers during the period preceding the signing of the Declaration of Independence, the first amendment to the new constitution was made to provide for a free press and free speech, always and everywhere recognized as the sustaining pillars of free institutions.

"Our colonist forefathers, imbued with the

high ideals embodied in their immortal declaration, shouldered their guns and shot to death the divine right of kings, and then the cunning enemies of democracy raised in its stead the supreme court, with its many federal arms reaching out into all the states of the union.

"The supreme court has become in fact the reigning monarch of the American people. No measure of relief demanded by the voters of this nation enacted into law by their elected representatives and signed by the president may become operative without its judicial sanction. At the command of the lords of privilege any obnoxious law is promptly declared unconstitutional.

"The supreme court of the United States has today more real power over the people than is vested in any monarch of the old world.

"The late Senator Hanna boasted that the courts are maintained to buttress property rights. Ex-President Roosevelt denounced a federal *judge for his interpretation of the law in the* government's prosecution of the beef trust.

"President Taft in his Hot Springs (Va.) speech expressed a decided opinion upon the same question in referring to the inability of the poor to cope in the courts with men of wealth. With expressions like these from men of prominence, do you wonder that there is a growing distrust on the part of the poor people of this nation that the courts are against them?

THE COURTS RULED BY PROPERTY.

"In the western district of New York of thirty cases decided in favor of injured employes twenty-eight were reversed in favor of the master class by the higher courts. United States District Attorney Sims of Chicago was waging a vigorous fight against the white slave drivers, and when victory was almost within his grasp, his hand was paralyzed by a decision of the supreme court, which virtually put an end to the prosecution of that unspeakable infamy. There are property interests involved in the wholesale debauchery of young girls, and these property interests must be safeguarded at whatever cost. As for the girls, they are the daughters of the working class and in point of value are not to be compared to property.

"Our modern system of jurisprudence is a survival of the medieval times, when judges presided by right of ownership of lands and castles, and it will require another political revolution similar to that of 1776 and that of 1860 to abolish this bulwark of special privilege and capitalist exploitation.

CONVICTED BY JURY OF REPUBLICANS.

"I was convicted by a jury composed of partisan republicans. It was shown by competent evidence introduced in this court today that two of the jurors had expressed hostile and prejudicial sentiments against me. Affidavits herewith filed show that one of the jurors, Mr. Nelson, became deathly sick in the jury room, and he affirms that it was because of this sickness and his fear of death unless medical attention could be secured that he was forced into voting for a conviction. Again it is shown by competent evidence, introduced at this hearing, that the principal witness for the government, ex-Governor Taylor, made statements which were untrue. He stated that at the time the reward which I offered was circulated through the mails he was not a fugitive from justice nor was there any charge pending against him of a criminal nature in Kentucky. Affidavits, state records and letters signed by Taylor himself, all on file in this court, show that Taylor had been indicted and that for seven years prior to the offer of our reward he had been a fugitive from justice with a price on his head. It is the common practice in all courts that where the defendant can show that a juror in qualifying perjures himself a new trial is granted. Perjured testimony on the part of the prosecuting witness is also ground for a new trial in ordinary cases. Of course, I understand that this is not an ordinary case. The whole history of these proceedings shows conclusively that it is not an attempt to secure the ends of justice, but an effort to punish me because of my political views.

NO MERCY OR LENIENCY ASKED.

"In conclusion, permit me to say that I am not asking the mercy or leniency of this court. I have committed no crime, and there is festering in my conscience no accusation of guilt, but if my conviction and punishment will serve to rivet public attention upon the abuses which I have tried to point out, then I shall feel that I have not suffered this humiliation in vain.

"After all, this is the price of human progress. Why should I expect immunity? The courts have ever been and are today the bulwarks of the ruling class. Why should they not punish offenders against that class?

"In feudal slavery the courts sustained the feudal lords, in chattel slavery they protected the slave owners, and in wage slavery they defend the industrial masters.

"Whosoever protests for the sake of justice or in the name of the future is an enemy of society and is persecuted or put to death.

"In one of the most eloquent characterizations of history Charles Sumner, tracing the march of the centuries, pointed out that the most infamous crimes against the liberty and progress of the human race had been sanctioned by the so-called courts of justice.

TRUTH WILL TRIUMPH IN THE END.

"This case is a mere incident in the mighty struggle of the masses for emancipation. Slowly, painfully, proceeds the struggle of man against the power of Mammon. The past is written in tears and blood. The future is dim and unknown, but the final outcome of this world-wide struggle is not in doubt. Freedom will conquer slavery, truth will prevail over error, justice will triumph over injustice, the light will vanquish the darkness, and humanity, disenthralled, will rise resplendent in the glory of universal brotherhood."

PERSONAL AND PRESS COMMENTS ON THE FT. SCOTT CASE.

SAID BY EUGENE V. DEBS IN A SPEECH AT RICH HILL, MO., MR. WARREN'S OLD HOME, ON THE NIGHT OF NOVEMBER 18, 1909.

Friends, Comrades and Fellow Workers:

In every age there have been a few men and women in advance of their time. They had new ideas and new ideals that were not understood by the masses and as a consequence these men and women were looked upon as foolish and visionary, if not vicious and dangerous, and they were accordingly misrepresented, persecuted and sometimes put to death.

These have been the pathfinders in the wilderness; the pioneers of progress; the evangels of civilization; the heralds of the dawn. Their names are immortal and their achievements glorify the history of mankind.

All great movements are organized by the few and in their inception are unpopular, their principles are misrepresented and their leaders compelled to pay the penalties which have always attached to those who have paved the way to better conditions for the human race.

One of these leaders, one of the great figures in the struggle of our time is Fred D. Warren, the editor of the Appeal to Reason, and I take great pleasure, here in the presence of his former townsmen and neighbors, in paying to him the well deserved tribute of my respect and love.

It is possible that many of you who think you know this man know him least of all. You respect him because of his spotless personal character, but you regret that he should have been guilty of an act that would bring upon him the sentence of a court of law which in the popular mind is visited only upon those guilty of crime.

Need I remind you that some of the wisest, justest and most humane of men have been sentenced to prison, have died upon the gallows and perished at the stake? Socrates, the ancient philosopher who sought to teach the people the truth, was adjudged guilty, occupied a prison cell and was finally compelled, by decree of a council of state, to destroy himself. Bruno was burnt at the stake, Gallileo languished in a dungeon. John Huss, Ridley, Latimer and a host of others met with the same fate.

Looking backward we find that monuments have been erected to these heroes all along the track of progress; we find that the names of these so-called criminals are immortal and that their memories are honored and revered throughout the world.

What was regarded as crime while they lived has now become their glory, while those who condemned them, if they are not utterly forgotten, are now execrated as the real criminals.

The world's progress has been achieved through a series of mighty struggles and in all these struggles the leaders met with the same common fate. The war of the American revolution is now regarded as a glorious event, but the heroic few whose agitation led to it were all denounced and condemned by the tories and their press who ruled the colonies a century and a half ago. Jefferson was branded as a rebel, Sam Adams as an incendiary, Thomas Paine as a firebrand and Patrick Henry as a traitor to his country. Those who were nearest to these great souls knew them least and so today those of you who have been nearest to Fred D. Warren are the last to recognize the man.

You are teaching your children to honor the memories of the revolutionary criminals of a century and a half ago, while all the conservative and respectable people who then condemned them sleep in forgotten graves.

History repeated itself in the struggle to abolish chattel slavery, the infamous institution that for more than two centuries cursed the American soil.

During all this time chattel slavery was regarded by most people as an eminently respectable institution, just as wage slavery is today. Chattel slavery ruled in congress and in the white house; and the supreme court, which has always been and is today on the side of power, declared in solemn terms, at the behest of the slave owners, that the cowering slaves were property and that they had no rights as human beings that their masters were bound to respect. This decision of the supreme court was hailed throughout the nation as wise and just and the judge who wrote it was honored as the greatest jurist of his age. Today this same decision is regarded as a crime against humanity and the judge whose name is associated with it is remembered only with execration.

One of the first bold and fearless agitators against chattel slavery was Elijah Lovejoy. In New England where he lived he was hated for denouncing this so-called sacred institution, just as Fred Warren is hated today for his opposition to the so-called sacred institution of wage slavery. Lovejoy was one of those heroic souls who have a mission and who have the moral heroism to be true to themselves and their convictions even unto death. Looking upon property in human beings as a monstrous crime, he spoke out against it with all the passion of his outraged being.

As a young man Lovejoy went to St. Louis, where he might more effectively attack the evil against which his whole soul was in revolt. He was driven from there by the respectable upholders of slavery as if he had been bent upon the commission of crime instead of abolishing crime. He went to Alton, Ill., and there began the publication of a paper called the "The Observer," in which he vigorously attacked slavery. Again the supporters of the slave traffic called to warn him. His answer ought to be remembered by us all, especially by those who are today denouncing Fred D. Warren because he has the spirit of Lovejoy in the face of the angry threats of the supporters of wage slavery. Lovejoy said: "I have sworn eternal opposition to slavery and by the help of God I'll not turn back."

Fred Warren has said: "I have made up my mind that wage slavery is the greatest crime of this age and that the crying evils which surround us all flow from that crime, and regardless of consequences to myself I am going to use every particle of my energy and every atom of my power to destroy that institution and emancipate the human race."

Soon after Lovejoy gave his respectable slavery-supporting neighbors to understand that threats and warnings could not silence him, his printing office was attacked by a mob and he was murdered in cold blood. "Law and order" prevailed and Lovejoy went down to his grave. But his principles did not go down with him.

William Lloyd Garrison bravely espoused the same great cause and came perilously near sharing the fate of Lovejoy. But Garrison remained undaunted and the agitation against slavery became bolder and more widespread. Next the eloquent voice of Wendell Phillips was heard and the abolition movement became a recognized force in the land. Others espoused the cause and the great struggle began in deadly earnest. John Brown now appeared upon the scene and struck the blow that forced the issue in that historic struggle for the emancipation of a race.

All the leaders in this warfare against enthroned crime were of heroic fibre, or like others they would have supported the existing order and remained silent. How the world has changed since that time! The brave and honest few who were then treated as criminals are now heroes and martyrs while the ruling class and its vassals of their day are either forgotten or remembered only with contempt.

Where Lovejoy sleeps a magnificent monument has been erected by the grandchildren of the very men who so cruelly put him to death. Garrison, Phillips, John Brown and others who fought the good fight all have their places in history.

Chattel slavery has disappeared, but freedom has not yet been achieved. The working class is still in slavery.

In the evolution of the present industrial system the capitalists have come to rule far more powerfully and far more corruptly and heartlessly than the slave owners ruled half a century ago. The capitalists own all the sources of wealth and all the machinery of production; they control all our legislatures and all our courts. From the spoils wrung from the working class, upon whose exploitation our present social institutions are based, these capitalists maintain corrupting lobbies at all the seats of power.

In this system the capitalists are the economic masters and, therefore, the political rulers, while the working class which produces all the wealth is in a state of servile subjection.

The supreme court at Washington, consisting of corporation attorneys, is the court of the capitalist class and its decisions are uniformly in the interest of that class. The same is true of all other federal courts.

Federal judges are not elected by the people, but appointed by a president nominated and elected through the influence and power of the ruling class, and these judges are accordingly the salaried servants of that class. This whole system, based upon the exploitation of the working class, is venal and corrupt. Graft abounds everywhere. The politician is under suspicion, even though he be personally honest, for the people instinctively understand that Capitalism pollutes everything it touches.

To speak out against this system, to expose its crimes, is treason today as it was treason half a century ago to oppose the rule of the slave power, and treason a century and a half ago to oppose the rule of King George.

This is the crime of which Fred D. Warren has been found guilty, the crime for which he has been sentenced by a packed jury, presided over by a judge who is notoriously the tool of corporate power; the crime for which he is to pay a fine of fifteen hundred dollars and serve a sentence of six months in jail.

This crime is Warren's glory.

Every honest man, whether he agrees with him or not, will at least honor him for having the courage of his convictions and battling unflinchingly for his principles.

Had Warren been sordid, selfish and grasping; had he been one of those so numerous whose highest motive it is to look out for themselves regardless of the sufferings of their fellow men; had he been one of those who traffic in their talents for seats of power and respectability, he would not now be under a jail sentence and looked upon as a criminal. No, he would be the managing editor of some great capitalist paper in New

York City, one of the eminent figures in the world of capitalist journalism, with an enormous salary and a supreme respectability.

But for the very reason that he is a man of character, of convictions, of courage and lofty ideals; for the very reason that he has unselfishly consecrated himself to the oppressed and suffering, a venal judge, a judicial vassal, has pronounced him guilty of crime and he must now expiate that crime in a prison cell.

But let me say here tonight that when Fred Warren goes to jail it will not be with his head bowed in humiliation and shame. No, he will walk into his grated cell with his head erect and his soul free. He knows, if no one else knows, that his only crime is having exposed crime; he knows that he is fighting the battles of the down-trodden in the greatest war in the history of humanity; he knows that he is absolutely right before God and man, and, therefore is he serene and faces his fate unafraid.

The people may not now understand why Warren goes to jail, but the time will come when his cell will be a shrine and when his heroic and self-sacrificing struggle will be understood and his name honored throughout the world.

You who are here tonight may be by prejudice blinded against the cause in which Fred Warren has such an eminent part, but your children and your children's children will understand and will erect monuments to his memory and weave chaplets of flowers where he sleeps.

The capitalist power hates Fred D. Warren only because it fears him. It knows that he is incorruptible, that he has great capacity for leadership, that he is building up a powerful press and that he is a menace to its heartless and corrupt misrule.

Ever since Warren espoused the cause of Moyer, Haywood and Pettibone; ever since he threw the flashlight of the Appeal to Reason upon that hideous kidnaping conspiracy and exposed the capitalist malefactors and rescued their intended victims from the gallows; ever since then he has been a marked man. Spies and informers and dectectives have been employed to entrap him and to ruin and destroy the Appeal to Reason.

The charge upon which he was indicted is the merest fraud and false pretense. If he was guilty of misusing the mails hundreds of thousands of others are equally guilty. But only Warren was indicted and only Warren sentenced and this not because he was a criminal, but because he was exposing criminals.

Thousands of people all over this country have their eyes open to this fact and already the tide of reaction is setting in against the judicial infamy which consigns this brave man to jail while the judge who prostituted his high office to send him there continues to occupy the seat of prestige and power.

Be not deceived as to the reason for sending Warren to jail. It is true that he is a dangerous man, but dangerous only to corrupt capitalist misrule and to the vampires who suck the life-blood of the people. Such a man is always a dangerous man, but if the ruling class were wise and clear of vision instead of stupid and blind, it would never put such a man in jail.

When Fred Warren goes to jail he will develop his true proportions; all his latent powers will be brought into play and when he emerges he may thank the capitalist class and its vassal judge for having fitted him for his greater life work, for having given him the ears and hearts of his countrymen and for having conferred upon him, as if by Divine decree, the moral power to strike wage slavery its deadliest blow and make his name immortal.

CLIMAX OF LONG SERIES OF PERSECUTIONS.

BY UPTON SINCLAIR.

At the hour I write this, Fred D. Warren is on trial before a federal court in Kansas, charged by the authorities with circulating matter objectionable to the government, and liable to a $5,000 fine, and to imprisonment for five years.

This is no accident, and incidental freak of some overzealous prosecuting official. It marks the climax of a long series of persecutions, carried on by the post-office department for the express purpose of crippling, and ultimately exterminating, the most powerful and dreaded organ of the American Socialist movement.

The course of the government constitutes a challenge, not merely to every Socialist, but to every lover of freedom in the United States; to every man who respects his country's traditions, and has at heart his country's welfare. It is a challenge which should be instantly taken up, in a fashion to leave in the minds of the authorities no doubt as to the temper of the people.

I write this appeal primarily to Socialists; to the readers of the Appeal to Reason who have made it what it is, and have stood by it in its previous fights; to the men and women who know what the Appeal stands for, and will understand my alarm for its safety.

The course of the government in this matter is an outrage for which there can be no excuse.

I have known Fred Warren intimately for years. I know him as a man of high character and unselfish zeal, devoted to the cause of human welfare.

I have been a reader of the paper which he has so ably edited, and for which he has labored so devotedly. To the Appeal to Reason and to Wilshire's Magazine, between them, I owe the fact that I am a Socialist—that I have been brought into full sympathy with, and understanding of, the new religion of humanity. It was by the facts and arguments which were put before me by these two papers that I was brought to realise the fact that the working class constitutes the only force to which lovers of freedom can look for the regeneration of modern society.

And that which is true of myself is true of hundreds of thousands of other Americans. As I hold my knowledge of Socialism to be my most priceless intellectual possession at this hour, I believe I owe a debt of gratitude and loyalty to the paper which gave it to me. I call upon every American Socialist who shares this obligation to stand up and put himself by the side of the Appeal in this hour of peril.

I have not always agreed with the Appeal in its courses. I believe that in its denunciation of public men it has sometimes done injustice, and I have written to Warren and told him so upon occasions. But nothing that the Appeal has ever said about any public man has justified the course which the postoffice department has taken. The Appeal has been persecuted because it is the deadly enemy of class government, and because the partisans of class government know that if it continues much longer to pour out its broadsides of exposure, the people will rise and turn them out of the control of this republic.

I wish that every American Socialist could have been at my home last summer, and heard from Warren's own lips the story of the persecution of the Appeal to Reason by the postoffice department; of the petty quibbles which they had made, the technicalities which they had raised, the contemptible tricks to which they had resorted, in their attempts to handicap the paper and its work. Rule after rule, which had been moldering forgotten in the dusty archives of officialism, has been resurrected and applied to the Appeal—and to no other paper except the Appeal. At the time I saw Warren he had collected between 20,000 and 30,000 statements from postmasters that papers were uncalled for at their offices; and he was on his way to Washington with a small trunkful of letters and affidavits from these same subscribers, who had paid their money for their papers and were unable to get them at the postoffice—at the very time that the postmasters were notifying the Appeal that the papers could not be delivered!

I believe there is no more dangerous power in the hands of our capitalist government than this power of the postoffice officials to suppress publications upon one pretext or another, and to deny them the right to the mails. The courts have ruled it an "administrative matter," thus leaving the injured party entirely without remedy—and placing a man who may have spent a lifetime in building up a publication to promulgate a new idea at the mercy of the sudden whim of some petty and ignorant political spoilsholder.

Having failed in all their previous attempts to injure the Appeal, the baffled authorities have now resorted to the arrest and prosecution of Warren; and to do this they have dug up some more forgotten statutes, and invented a new outfit of quibbles and technicalities. While Warren was struggling to save the lives of Moyer, Haywood and Pettibone, he printed some remarks about the government which the postoffice officials consider "scurrilous and defamatory," and it appears that it is against the law to circulate such statements "upon a cover of publication." The front page of the Appeal to Reason is taken to be a "cover," despite the fact, which every one of you knows, that the Appeal comes folded up six or eight times, and into so small a bundle that one cannot read a single line without unwrapping it!

What is it that constitutes "scurrility" and "defamation," regarding a man in public life in this republic? And who is given authority to pass upon such a grave matter? This is the first time in our country's history, so far as I know, that any official censor has presumed to set bounds upon the utterance of political passion, save only through the long-established and safe method of a personal suit for libel.

It appears that our present executive authorities are troubled by the extreme criticism to which they are subjected by the Appeal to Reason. Let them read the columns of their own party press, which is immune from persecution—no matter how severe may be the language in criticising an opponent.

The New York Tribune is an eminently respectable and conservative organ of the administration; its editor and owner, Whitelaw Reid, is now minister to Great Britain, as a reward for the services of his paper for half a century of support of the republican party. And now read these words, which are taken from an editorial published in the Tribune the day after Bryan's defeat as the democratic candidate for president in 1896:

"The thing was conceived in iniquity and was brought forth in sin. It had its origin in a malicious conspiracy against the honor and integrity of the nation. It gained such monstrous growth as it enjoyed from an assiduous culture of the basest passions of the least worthy members of the community. It has been defeated and destroyed because right is right and God is God. Its nominal head was worthy of the cause. Nominal, because the wretched, rattle-pated boy, posing in vapid vanity and mouthing resounding rottenness, was not the real leader of that league of hell. He was only a puppet in the blood-imbued hands of Altgeld, the anarchist, and Debs, the revolutionist, and other desperadoes of that stripe. But he was a willing puppet, Bryan was—willing and eager. Not one of his masters was more apt than he at lies and forgeries and blasphemies and all the nameless iniquities of that campaign against the ten commandments. He goes down with the cause, and must abide with it in the history of infamy. He had less provocation than Benedict Arnold, less intellectual force than Aaron Burr, less manliness and courage than Jefferson Davis. He was the rival of them all in deliberate wickedness and treason to the republic. His name belongs with theirs, neither the most brilliant nor the most hateful in the list. Good riddance to it all, to conspiracy and conspirators, and to the foul menace of repudiation and anarchy against the honor and life of the republic."

And now, why is it that the publisher of such "scurrilous and defamatory" statements as these, about an eminently respectable and conservative American like Mr. Bryan, is rewarded by the government with an ambassadorship, while Warren is rewarded with arrest, and the threat of five years' imprisonment?

Can any American Socialist doubt that it is because of the tremendous force of social indignation which he has been the means of awakening in America?

What has Warren done for American Socialism?

One thing I state at the outset, because I know about it beyond possibility of contradiction: Warren was the cause of the writing of "The Jungle." It was Warren who suggested to me the theme. It was Warren who put up the money to make possible the writing of the book. It was Warren who first published it, and took all the risk of libel suits and prosecutions. It was Warren who, at every step, stood by me in my long struggle to force investigation and exposure of the iniquities of the Chicago packers.

But whatever service Warren may have done to the cause of American Socialism at that time is as nothing compared with what he did in a far more important matter—that of the Moyer-Haywood case.

I was watching the American papers closely at that time. I know that it was the Socialist papers of the country which saved the lives of Moyer and Haywood; and I know that it was the Appeal to Reason which first leaped to the front among the Socialist papers, and hailed the kidnaping of those two American workingmen as a challenge to the American Socialist movement. I most solemnly believe that Moyer and Haywood owe the fact that they are alive today to the prompt and devoted action of Warren and the Appeal.

All through that long two years' battle, the Appeal stood in the forefront of the working class army, and at the close of the struggle the paper was everywhere recognized as the champion of the working class; and it is that recognition which is the cause of the present prosecution. And what have the organized workmen of America, who rallied to the defense of Moyer and Haywood, to say to this attack upon their chief defender?

I assert, never in the history of the class struggle in America was the influence of an organ like the Appeal to Reason, and of an alert and aggressive force like Warren, more needed than it is at this present hour.

For the first time, our horde of sham reformers have come face to face with the impossibility of tampering with the crumbling structure of capitalist business. A little Wall street panic has been sufficient to frighten the convictions out of every public man in America. Our country is left literally without a voice to defend the cause of the people's rights.

Mr. Bryan has dropped his government ownership program, and this former agitator and champion of the people is now completely converted into a safe and conservative business man's candidate.

Mr. Hearst has forgotten his rage against the predatory corporations, and in his Jamestown speech has announced himself as a defender of the rights of capital.

President Roosevelt has been so frightened that, for the first time since he has been in office, he has made no speech for a fortnight; and meantime his secretary of the treasury is ladeling out the funds of the American people, to be used without interest by Pierpont Morgan, the most dangerous and unscrupulous of all America's buccaneers of finance, in protecting the safety of himself and his associates.

And this is the moment which the authorities have chosen to break the power of the Appeal to Reason; to cripple it by fines, and to throw its editor into jail!

Let the Socialists of America make no mistake; this is but the beginning of a long campaign. If the government can succeed in this case, and if they find that the people are submissive, they will not stop until they have ruined and entirely suppressed the Appeal.

And when they have finished the Appeal, they will begin with Socialist papers of smaller circulation. They have shown all this in their war upon the advocates of freedom in another department of thought.

They put old Moses Harmon into jail for a year for publishing "obscenity" in the course of his efforts to awaken the public to the importance of knowledge and conscience in the breeding of human beings. Bernard Shaw raised his voice from England in protest, but America paid no heed; and now the authorities have secured a two years' sentence of imprisonment for

Bernarr McFadden, a vegetarian and health-culturist, who could no more write obscenity than I could.

There is now being waged by the Manufacturers' association, from their headquarters in Washington, a campaign of corruption and defamation against the organized workingmen of the country. A fund of a million and a half dollars has been raised, and it is being used in subsidizing magazines and writers, and in such suits as that against the American Federation of Labor to prohibit its publication of an "unfair list." And let the labor unions of the country make no mistake. If the Manufacturers' association once finds that the government has been able to suppress Socialist publications, they will not be long in stirring up the bureaucrats in Washington to find "scurrilous and defamatory" matter in trade union publications.

Eternal vigilance is the price of safety. And at this moment the working class of America owe it to themselves, as well as to their devoted champion, Fred Warren, to leap upon the instant to the prevention of this outrage.

As a result of the course of Wall street speculators and bank wreckers, the working class of America now faces a winter of privation and suffering. In such a time of trial, thev will need the pen of a man like Warren, and they will live to regret it if they let him be flung into jail!

What can you do about it?

You can do what the Appeal has taught you to do in many a previous struggle. You can appeal to public sentiment. You can agitate and stir up opinion against this outrage.

First of all, you can get readers for the Appeal itself; the reply of the Appeal to the government's challenge should be a deluge of subscriptions. Every new reader is a new center of agitation, a new sword of defense of a persecuted comrade.

In the next place, you can write letters to your congressmen and to your state legislators. You can lay the facts of the case before the editor of your local newspaper. You can write letters to newspapers.

You can point out the truth to clergymen and others who have the public ear. You can bring the matter up in your local, and call public meetings, in which the outrage may be denounced. You can also call the matter up at the meeting of your union, and pass resolutions of protest.

If Fred Warren goes to jail, there should be a conference and a defense organization similar to that in the case of Moyer and Haywood. There should be a series of public meetings in every city and town, and parades of protest larger than ever.

If the American working class intends to protect itself against censorship by the postoffice department, now is the hour for it to strike.

A FEW PERSONAL COMMENTS BY LETTER.

OFFERS CONGRATULATIONS.

Congratulations on the great "conviction." Nothing could be better for you and the cause.—GAYLORD WILSHIRE, New York City.

IT WILL HELP.

Be of good cheer; this apparent defeat will only help to hasten the ultimate victory. When I was in Girard a few weeks ago I took ten dollars' worth of subscription cards away with me. They are not all disposed of yet, but this decision against yourself and the Appeal will help to hasten the disposition of them, and when they are gone I will send for more.—HERMAN MEYLING, 401 4th avenue, New York, N. Y.

BELIEVES IN FINAL VICTORY.

DEAR FRED—The Little Indian of the *Daily Socialist* seemed to catch the right idea—"Judge not lest ye be jugged." Well, I have thought quite a bit on the decision of the jury and can find no reason to be sorry, for I believe in the final victory, and you are now placed in a position that will give you opportunity to fight the greatest battle of your life for the good cause. The rank and file are with you and I feel that your case will bring organized labor closer to us, maybe not the leaders, but the members. We are with you always—for Socialism.—J. E. SNYDER.

As a Socialist I thank you, Warren, for your strong and aggressive fight against the administration and judicial tyranny of the federal government and only wish that I had your strength and could be by your side in the battle—in jail or out. But with Debs, Wayland and the rest, you will have no chance to feel lonesome nor will the enemy have any chance to get lazy. Free press and free speech will be maintained in the United States, Tafts, Peabodys and Pollocks, and Roosevelts regardless.—BEN HANFORD, Brooklyn, N. Y.

Have just heard of your sentence and hasten to congratulate you upon the honorable distinction of being the first man to be sentenced to prison by the federal powers for the offense of Socialism. You are not a martyr but a fortunate individual. You are in goodly company with Hampden and Hale and the other heroes of history who have unfalteringly sacrificed self on the altar of the common weal.—WALTER HURT, Williamsburg, O.

MAD CLEAN THROUGH.

My Dear Old Man—I've been mad—mad clean through.. Just got a paper with announcement of your conviction. The plutes have paid you a great compliment; they are afraid of you. I do hope you can appeal the case and go free. I'm so darned mad I can't write. With love and sympathy from both of us. As ever your pal.—RYAN WALKER, New York, N. Y.

A NATIONAL CASE.

DEAR COMRADE—Your conviction and the Haywood-Moyer case are only the beginning of governmental persecution to check the tide of Socialism. Your case is a national party case, not the Appeal's, and the national executive committee should reimburse the Appeal for all expenditures connected with the defense.—Yours truly, P. D. STRONG, Evansville, Ind.

OTHER EDITORS ON TRIAL.

You are in the same position as Elijah Lovejoy, with the difference only they do not dare to kill you or destroy the Appeal. If they dared they would gladly do both. It speaks well for your work that you have built up an organ which the capitalist class think so dangerous that they take such desperate measures.

Magon, Villarreal and Rivera value you and the Appeal. These men are splendid. I wish you could meet them. No one could see them and not realize them as men of worth. They are the most distinguished looking persons in the court room and are men of great learning. The day will come when you will feel very proud that you stepped into the breach and helped these people who are struggling for liberty. You are making history for the Appeal to Reason. That is why you are being persecuted.—**Luella Twining**, Tombstone, Ariz.

FOR FRIENDSHIP TO THE WORKER.

Dear Comrade—I see you have been condemned for friendship to the working people, and for giving aid to the innocent and defenseless. No higher tribute to your honor could be given. You are hated because you have chosen to be a friend to humanity. Almost nineteen hundred years ago blood-thirsty thieves and plunderers murdered one whose friendship for the poor interfered with their horrible brutality and lust for riches. They sat in the form of a court, under pretense of law, and with the formality of a trial, murdered the leader of the common people.

The world is not rid of that gang of thieves yet, you will see if you look around a little. And the members who sit in its places are just as ready as ever to commit murder under cover of "church and state." But why should I be telling you of what you have seen already? That is just why I admire you; you see it, and you are a friend to the people, in spite of the danger and persecution.

Well, you are my sort, and here is an invitation to be present at my graduation.—Sincerely yours, **Danifl S. McCorkle**, *Secretary Y. M. C. A.*, Marshall, Mo.

VERDICT AGAINST ALL SOCIALISTS.

Dear Comrade Warren—Isn't it heartrending? Throughout the ages, in their ignorant reverence for their masters, the workers have persisted in crucifying their saviors. Since learning that Taylor was there to testify I have been worried, but I could not believe that a jury, some of whom would be workingmen, could agree on the verdict of guilty.

Your friends realize that it is they, not you, who fear the return of an adverse verdict. It can result only in good to the cause. It will force upon all thinking people a recognition of the class distinctions of today.

Every comrade eagerly enters into the fight that will set aside such an unjust verdict, only regretting that it is not given each of us to serve you and our cause in the very largest sense as can some of our more fortunate comrades. I am doing what little I can by giving prominence to the case and urging that every effort be put forth to scatter broadcast the truth regarding it by circulation of the Appeal. Anything, everything that can be done I shall gladly do. With every good and hopeful wish for a reversal of the verdict and ultimate victory, believe me always sincerely your comrade. —CAROLINE A. LOWE, Kansas City, Mo.

HAVE NOT KILLED SOCIALISM.

DEAR WARREN—There is not a sheriff or a city marshal or a chief of police in the entire United States but has done many times what you did once, yet they have not been prosecuted. You have been prosecuted and convicted because you are a Socialist and are conducting a Socialist newspaper. This fact should be placed fairly and squarely before the American people, who will some day reverse this verdict, and the judgment of the court at Fort Scott.

Once upon a time there sat upon the supreme bench of the United States a man whose name has become infamous, and for whom our state disgraced herself by naming a county. Men like Wendell Phillips, William Yloyd Garrison and John Brown were agitating the question of human freedom and insisting that the principles should be extended to blacks as well as whites. The matter came before the United States supreme court and was fairly and squarely presented in the Dred Scott case. Old Taney made up his mind that once for all he would settle the slavery question. Instead of settling it, he added fuel to the flame.

If the twelve gentlemen who sat upon your case at Fort Scott think they have suppressed Socialism and killed the onward movement for humanity, they have another guess coming.—JAMES C. WILLIAMS, *Attorney-at-Law,* Kansas City, Mo.

A FEW PRESS COMMENTS.

EDITORIAL IN SAN FRANCISCO BULLETIN, AUG. 2D.

Six Months in Jail for Not Guessing Correctly.

If Fred D. Warren were not a militant Socialist and the editor of the Appeal to Reason, the extraordinary circumstances of his conviction for an alleged offense against the postal laws would have excited a more vigorous protest from the newspapers and the public.

Warren had denounced the decision of the supreme court of the United States in the so-called "kidnaping cases," in which the legality of the means by which Moyer and Haywood were carried into Idaho was involved. Moyer and Haywood, who had been indicted in Idaho for the murder of Governor Steunenberg, were seized in Colorado by Idaho officers who had quietly obtained an extradition warrant from the governor of Colorado. Upon being arrested they were denied the privilege of communicating with their friends and were taken aboard a special train, manned with armed guards, which carried them into Idaho without making a stop. The prisoners contended that they had a right to writ of habeas corpus in Colorado and must be restored to the status quo ante in Colorado before they could be tried in Idaho. The supreme court of the United States said, however, in its opinion, Justice McKenna dissenting:

"Looking first at what was alleged to have occurred in Colorado touching the arrest of the petitioner and his deportation from that state, we do not perceive that anything done there, however hastily or inconsiderately done, can be adjudged to be in violation of the constitution or laws of the United States. Even if it be true that the arrest and deportation of Pettibone, Moyer and Haywood from Colorado was by fraud and connivance, to which the governor of Colorado was a party, this does not make out a case of violation of the rights of the appellants under the constitution and laws of the United States."

To emphasize what he deemed the injustice of this decision, and probably without expecting that his offer would be taken up, Warren sent through the mails an offer of a reward for the kidnaping into Kentucky of ex-Governor Taylor, who was then in Indiana and had been accused of complicity in the killing of Goebel. On the envelopes which Warren sent out was this inscription: "$1,000 reward will be paid to any person who kidnaps ex-Governor Taylor and returns him to Kentucky authorities."

On instructions from the attorney general, the United States attorney at Fort Scott, Kansas, had Warren indicted for sending scurrilous and threatening matter through the mails. The case attracted much attention. Clarence Darrow, of Chicago, defended Warren, and the government at Washington took a keen interest in the prosecution.

Warren proved that before mailing the letters he had inquired of the postmaster at Girard whether they were offensive to the postal regulations, and was advised that they did not differ essentially in character from the offers of rewards which were habitually sent out by the police authorities. He was found guilty and a month ago was sentenced to pay a fine of $1,500 and to serve six months in the Fort Scott jail. The case is now on appeal.

Two years ago, on a motion to quash the indictment, Judge Pollock of the federal court, before whom Warren was tried, was strongly inclined to hold that Warren's offense was not a violation of the law. In a colloquy on the hearing with the United States attorney, Judge Pollock said:

"Suppose the authorities of the state of Kentucky had offered their reward of $100,000 for the apprehension and return of ex-Governor Taylor and had circulated the printed offer through the mails in the same manner in which this envelope was circulated, would that have been a violation of the law? Suppose, again, the sheriff of a county were to offer a reward for a certain person accused of crime, though not tried or convicted, and printed said offer on a postal card and circulated it through the mails, would that be a violation of law?"

And in passing sentence on Warren, Judge Pollock said:

"When this matter was first called to my attention I was strongly inclined against the indictment, but after studying the law and consulting higher authorities I reached a different conclusion."

In court Warren, when called on to give reasons why sentence should not be passed, delivered a fervid speech in which he declared that the courts of America responded to the capitalistic class and were more zealous to protect private property than human liberty. He declared, also, that the federal government had singled him out for prosecution because he was a Socialist, and that the offense on which he had been indicted was only a pretext. He asserted, further, that the jury had been packed to convict him.

The case has stirred the Socialists deeply, and Warren is regarded as a martyr to their cause. Their invectives against the "packed jury," however, whether justifiable or not, seem to be beside the question. The facts of Warren's offense were not disputed. The question of whether those facts constituted a crime, and the responsibility for the result rests upon the judge who gave the law to the jury. Whether his final view of the law be right or wrong, the point that strikes most strongly on the mind of an American citizen who is not a Socialist is the fact that Warren has been sentenced to jail for an offense which even the judge, for a while at least, did not regard as a crime. Warren is not a lawyer. He consulted the postmaster before mailing the letters and was advised that they were not forbidden by the postal laws. The United States attorney also, at first, declared that the facts did not constitute a crime, but was overruled by the attorney general. Is it fair, then, to punish Warren for not deciding rightly in advance so difficult a point of law?

Suppose that Warren had been an eminent financier and leader in society instead of a Socialist editor; would he have been convicted and sentenced to jail in so doubtful a case? Cases now pending at both sides of the country show how difficult it is to convict a capitalist, even when the case is not doubtful. In this aspect the Warren case concerns every American citizen. It is not a question of sympathizing with Socialism. It is a question of maintaining the equality of all men before the law.

STANDARD, PLUMAS, MAN., CAN.

The persecution of the Appeal to Reason and Warren is simply persecution by Roosevelt for showing him up in his true colors.

NEWS, STEPHENS, NEB.

If the government wants to stamp out Socialism it will have to adopt other methods than persecution, for empires as well as great political parties spring from the groans of the persecuted. The history of the beginning of our own nation teaches us this.

WESTERN SPIRIT, PAOLA, KAN.

It is clear to my mind that Fred D. Warren did not get a fair trial at Fort Scott last May when he was arraigned in the United States court charged with violating the laws and regulations governing the sending of United States mail.

DEMOCRAT, CARTHAGE, ILL.

Hurrah for Fred D. Warren and the plea he made and is making for mankind! If he goes to jail or pays a fine for what he has done we hope God will create a revolution that will wipe out Capitalism and usher in genuine democracy.

HERALD, LAKE ARTHUR, LA.

In this sentence not only Warren but the entire country has discovered, if it did not already know it, that the common wage earner has no standing in a federal court.

LABOR WORLD, SPOKANE, WASH.

This conviction and the speech delivered by Warren at the time of his sentence should open the eyes of the working people to the class conditions of the courts of this country. —

FOOTPRINTS, WHEATON, MINN.

It was a Warren who was the first martyr in our country's fight for political liberty. Is there any significance in the fact that another Warren is now being grilled by the opponents of the sacred right of free speech? We refer to Editor Warren of the Appeal to Reason, who has been given a jail sentence in a federal court because in expressing his honest opinions he has stepped on the toes of the powers that be.

ADVOCATE-DEMOCRAT, MARYSVILLE, KAN.

Fair play is something all men demand. You may not like Warren and the things he stands for, but that is no reason why you should not condemn any persecution of him and his class. If, in order to fight Socialism and Socialists, governments must resort to oppression and injustice, then certain it is that such governments will receive the condemnation of all men who believe in dealing fairly by their fellow men.

ECHO, DAHLGREN, ILL.

No one but a hide-bound partisan, incapable of being moved by the logic of reason, can approve Warren's persecution.

BULLITIN, SANTA ANA, CAL.

The railroading to prison of Editor Warren of the Socialist paper, Appeal to Reason, is a matter that must not be dropped by the press of the country.

ADVOCATE, ARTESIA, N. M.

The Warren case is the exception rather than the rule. In that instance we believe a verdict was obtained which amounts to a moral injustice if not a technical wrong. We are inclined to believe that even a legal wrong was perpetrated.

HERALD, LINCOLN, NEB.

Fred D. Warren, editor of the Appeal to Reason, is probably going to jail on a trumped-up charge, for being a Socialist editor and defending the rights of the workers. Oh, yes, this is a free country!

NEWS, ABBEVILLE, ALA.

The conviction of Fred D. Warren is one of the most infamous verdicts ever rendered by a jury.

LABOR, ST. LOUIS, MO.

Warren is sentenced. What of it! Is he less honest than before? Less honored than before? Less loved than before? No. Fred D. Warren is today the greater man. Greater than the jurors who convicted him, greater than the judge who passed sentence upon him.

CHRONOTYPE, NECHE, N. D.

Warren is a martyr. In his fight for economic freedom he has met the most strenuous opposition. He has been persecuted. The supreme court decided that it was legal to kidnap a workingman. Warren was sentenced to six months in jail for sending a card through the mails offering a reward for the return of a man who was wanted by the Kentucky authorities, but who had pull and money to keep out of their clutches.

DEMOCRAT, LEWISTON, ILL.

It is not pleasant to talk of despotism in this republic. But the fake trial and conviction of Fred D. Warren, editor of the Socialist Appeal to Reason, is rank despotism.

EXPRESS, LITITZ, PA.

The case was brought against Warren by the government and it is known by the press generally that it was instigated by Roosevelt and was brought not against the editor, but to suppress the Appeal which has exposed the ex-president and the rottenness of congress and the grafters high in authority.

WHIP, LANCASTER, PA.

The conviction of Warren was high-handed injustice. No doubt it will serve to nerve the Socialists to act in behalf of the paper. We cannot endorse Socialist theories, but we are a friend of justice and the liberty of the press.

RUSTLER, KING CITY, CAL.

The conviction of Warren is causing a storm of protest throughout the county, as it is genrally believed that the entire case is a political move to put the Appeal to Reason, with its half million circulation, out of business. If the people of America have retained any of that spirit that drew them out of the thraldom of British oppression one hundred and thirty-three years ago, and forced their representatives to adopt the Declaration of Independence, and later the first amendment to the constitution, they will discountenance this latest abuse of the courts of this country.

NOTE.—The Warren case was then carried up to the court of appeals. It should have ben disposed of by that body during the St. Louis session early in January, 1910, but was, as usual, postponed. It was heard at the St. Paul term in May, where he again plead his own case.

WARREN'S OWN STORY OF THE ST. PAUL HEARING.

It would be presumptuous on my part to attempt to improve on Warren's Own Story" of the St. Paul hearing in which he outlines clearly the status of his case. This story appeared in the Appeal to Reason of May 21st, 1910, two weeks after the second plea of his own case.

After dragging its weary way through the courts for three years my case is now being considered by the court of appeals at St. Paul, Minn., where on Monday, May 9th, I personally argued the points involved. Judge Hook presided, with Judges Adams and Reed, as associates. Judge Sanborn, the senior judge, and who ordinarily presides, refused to sit in my case. It was the talk in St. Paul that he did not preside because of the fact that this paper had, during the past two or three weeks, printed some of his decisions rendered in cases wherein woringmen and women were the defendants against corporations.

It will likely be three months—perhaps longer—before the court of appeals hands down its decision, in which it will either affirm the action of the lower court or dismiss the charges against me. If it affirms, I will go to jail, as this court is the court of last resort in criminal libel cases.

The court of appeals holds its session in the

Federal building at St. Paul. The courtroom is quite small, because, as a rule, the cases argued in this court have little in them to attract public interest. The cases in this court are argued on technical points of law, which to the layman are dry and uninteresting. On this occasion, however, the courtroom was crowded to its capacity, long before ten o'clock, the hour of opening. There were comrades present from Iowa, Wisconsin and Minnesota. It was good to have them there.

Promptly at ten o'clock the bailiff announced the arrival of the judges, who filed in, clad in long, black robes, a survival of the custom of medieval times. There was the usual ceremony at the opening of the court which to a man of democratic ideas seemed absurd and ridiculous. We have abandoned the judicial wig and I wondered how many years would elapse before public opinion would force the judges to abandon the judicial robe. The original use of this paraphernalia was for the purpose of inspiring the prisoner and the public generally with awe for those who occupy the bench. So firmly rooted is this superstitious reverence today that it is little wonder that it is looked upon as treason to criticise the judgment of a judicial tribunal.

When my case was called I announced that I would represent myself, as I had been unable to agree with my attorneys as to what should be said to the court.

Judge Hook asked me if I had ever had any experience in arguing before the court of appeals, and I replied that I had not. I thought for the moment that this would disbar me from presenting my own case, as I had been advised by those who seemed to know that no man, not an attorney, would be allowed to talk before this tribunal. I was prepared to defend my constitutional right as the defendant to be heard in my own defense. However, this was not necessary, as Judge Hook proceeded to tell me that under the rules of the court I would be given two hours in which to present my case; that I could take all of this time in my first argument or I could reserve a portion of it to reply to the government, which was represented by ex-Judge West.

In my opening statement I waived all the technical points and objections raised by my attorneys in the lower court to the testimony introduced by the government and the arguments advanced by them on which they based their demand for a new trial. I did this in order to place the issue squarely before Judge

Hook and his associates: "Did the mailing of this envelope with its reward for Taylor's capture and his return to the Kentucky authorities violate the statute making it a misdemeanor to send "scurrilous, defamatory and threatening literature through the mails?"

This took the wind out of the sails of the government's attorney, who had prepared himself to argue at length on the technical points which had been injected into the case during the trial in the lower court.

While the government's attorney was replying to my first argument Judge Reed interrupted him with this question: "Does the record show that ex-Governor Taylor was under an indictment at the time this reward offer was mailed?"

To this question West replied, with a triumphant note in his voice: "No, your honor, the record does not show that Taylor was under indictment at the time this reward offer was circulated through the mails."

This was the opening I was looking for, and when it came my time to reply I read from the record Taylor's testimony. It will be remembered that Taylor testified that he was NOT under an indictment at the time the reward was sent through the mails by the Appeal. This statement of his spotless innocence went to the jury at Ft. Scott and was without doubt the testimony that won the case for the government at the trial last year. Judge Pollock overruled all the questions asked by my counsel with reference to the one hundred thousand dollars reward offered by the Kentucky authorities and the indictment returned against him for complicity in the murder of Goebel.

After calling the court's attention to this perjured testimony I turned to page 100 of the record wherein it was shown that at the time the motion for a new trial was being argued two months after I was convicted, Attorney Sheppard introduced a certified copy of the indictment against Taylor, a certified copy of the requisition issued by the governor of Kentucky and a personal letter written by Taylor dated the early part of 1907, wherein he complained that "for seven years he had been a fugitive from justice with an indictment against him for murder and a price set on his head." Judge Pollock admitted this to the record without protest. Pollock and the government attorneys realized that it would be absurd and foolish to undertake to deny the fact that Taylor was a fugutive from justice, under indictment for murder. But the perjured testimony of Taylor had already accomplished its purpose before the jury, and it was hoped by the government that it was buried beyond resurrection in the voluminous record of the case.

I had been called down by the court in my remarks on the methods employed by the prosecution in the lower court to secure my conviction, Judge Hook explaining that the court of appeals could take cognizance only of the legal points involved in the controversy.

This action of the government's attorney in deliberately lying to the court following my reprimand, strikingly illustrated the methods employed by Pollock and the district attorney to bring about my conviction. I do not know, of course, what impression West's lie had on the court, but it certainly helped my cause with those in the courtroom, even among those who were not friendly to me.

The constitution guarantees to every man a speedy trial before an impartial and unprejudiced jury. It was two years to the day from the date of my arrest before I was tried—each postponement being at the instance of the government's attorneys.

To this statement of mine the government attorney made a weak defense, telling the court that "if necessary" he could explain the cause of the delay. The government attorney, however, did not explain why the government postponed from time to time a trial of the issue, and so it was necessary for me to do the job for him. I told the court that the government postponed the trial because of the fact that its star witness, Governor Taylor, was a fugitive from justice with an indictment for murder against him and a reward of one hundred thousand dollars for his capture. It was necessary to secure his pardon, for a crime of which he had not been convicted, before he could be brought to Fort Scott and placed on the witness stand to testify falsely against me.

During the entire proceedings Judge Hook and his associates gave me the very closest attention and treated me with deferential consideration. The questions which they asked the government's counsel and the points which they developed indicated that they were favorably disposed towards me. But I am inclined to look with a certain degree of skepticism upon courts in general after my experience in Pollock's court. I remembered that at the first hearing of the case, six months after I was arrested, Judge Pollock treated me in exactly the same way. It was a matter of favorable comment among the spectators that Pollock argued my side of the controversy with the government attorney and it was the unanimous opinion of those who were in attendance that Pollock could, by his own reasoning, do nothing other than dismiss the charges against me. Although Pollock expressed the opinion that I had not violated the law, he ruled against me on every point and in his summing up of the case at the final trial announced that "under all the circumstances surrounding this case, after consulting higher authority, it was his judgment that I should spend six months in jail and pay a fine of $1,500 for the commission of a "mere misdemeanor."

What influence was brought to bear on Pollock to bring about this change of attitude I do not know. The Kansas City Journal's editorial statement to the effect that my prosecution was backed by President Roosevelt may explain Pollock's change of attitude.

Whether the United States court of appeals, next in importance to the supreme court, can be influenced in the same way is a matter which remains to be seen.

WARREN'S ADDRESS IN THE COURT OF APPEALS, ST. PAUL, MAY 9, 1910.

I appear before this court in my own defense because my attorneys are unwilling to say what I think should be said. I desire to waive all that counsel for the defense has said with reference to the government's inability to prove that this envelope was mailed from the office of the Appeal to Reason, of which I am editor. I wish to waive all the objections interposed by my attorneys and the arguments advanced by them why I should be given a new trail. I do not want a new trial. This case has cost the defense $20,000. A new trial, before a jury of my political opponents, selected by the district attorney's office from among government employes, or those who hope to get a federal job, before a judge prejudiced against my cause, could result only in another miscarriage of justice.

In waiving the arguments of my attorneys on these points—(and I wish to say here in justification of my course at this time, that the theory on which this case was conducted in the lower court was over my vigorous protest) —I do so to put the issue squarely before this court: Is the mailing of this envelope with its offer of a reward, printed in red, for the capture and return to the Kentucky authorities of ex-Governor William Taylor, under indictment at that time for murder, a violation of the federal statutes? Stripped of all legal verbiage and technicality, that is the issue here and no other.

My attorneys argue in the brief submitted that the indictment is defective. I do not pretend to know about this. I will say, however, that I have no desire to have my sentence set aside on a mere technical defect in the indictment, and I would regret to see the issue involved disposed of in this unsatisfactory manner. It would still leave the question in doubt as to whether the mailing of a reward, printed in red, for the capture of a fugutive republican politician, is a violation of the federal statutes.

I call the attention of the court to the testimony introduced by the government, showing that I submitted a draft of the alleged defamatory envelope to the postmaster at Girard and asked his opinion as to its mailability. The postmaster, the representative of the government, informed me that in his judgment there was nothing in the postal laws that would prevent the mailing of this reward offer, as hundreds of similar cards and envelopes were mailed in the course of a year at the Girard postoffice. This certainly establishes my good faith. No man with criminal intent would voluntarily submit the evidence of his contemplated crime to the agent of the institution against which the crime was directed.

In this connection I wish to call the court's attention to the statement made from the bench by the trial judge that when this matter was first submitted to him, he himself was in doubt as to whether the mailing of this envelope was a violation of the federal statutes. If the law is so indefinite that even the trial judge is unable to determine whether a crime has been committed, until after he "had consulted higher authority," how is the layman to determine what is lawful and what is not? In the lower court's decision on our demurrer, Judge Pollock stated that the language was not scurrilous and threatening, as charged in the indictment, but that it was defamatory, inasmuch as it was calculated to impress the reader thereof with the thought that ex-Governor W. S. Taylor was wanted in Kentucky by the authorities of that state for some alleged crime. Under this decision every offer of a reward for a man charged with crime, mailed by a private individual or a civil officer, is a violation of the federal statute under which this indictment was returned against me. In order to prevent this construction and its far-reaching consequences, Judge Pollock, in his final summing up of the case, decided that it was not defamatory nor scurrilous, but threatening. It is hard for the average man to follow such judicial reasoning, and I sincerely trust that this court's opinion will be written in such clear and unmistakable terms that there will be no question as to this law in the future.

It will be argued by counsel for the government that kidnaping is a crime and, therefore, an offer of reward to kidnap ex-Governor Taylor is a threat against that gentleman. I will ask the counsel for the government to cite a federal law constituting kidnaping a crime. He cannot do this. On the other hand, the United States supreme court, in an exhaustive opinion, handed down in the case of the three workingmen who had been kidnaped in Colorado and taken to Idaho, plainly state that it is no violation of the federal statutes to forcibly abduct a man and take him from one state to another. In its opinion the supreme court says:

"Looking first at what was alleged to have occurred in Colorado touching the arrest of the petitioner and his deportation from that state, we do not perceive that anything done there, however hastily or inconsiderately done, can be adjudged to be in violation of the constitution or laws of the United States. Even if it be true that the arrest and deportation of Pettibone, Moyer and Haywood from Colorado was by fraud and connivance, to which the governor of Colorado was a party, this does not make out a case of violation of the rights of the appellants under the constitution and laws of the United States."

Under this decision I do not see what weight this court can give to the argument of the government's counsel, that to offer a reward to do what the supreme court has explicitly declared is not a crime, is in violation of the law.

What I did, in fact, was to offer a reward to any one who would capture, forcibly abduct, if you please, a man under indictment for murder and return him to the Kentucky authorities. To kidnap means not only forcible abduction, but hiding from friends and the proper authorities. Under this view how can it be maintained that it is unlawful to offer a reward for the capture of ex-Governor William S. Taylor and his return to the authorities of Kentucky?

Let me state a hypothetical case: Suppose the Socialists capture the political powers of Kansas—as we shall. We find that Mr. Armour is violating the anti-trust laws of our state. He lives in Illinois. The governor of Illinois, being a republican, refuses to grant a requisition. Suppose our Socialist state officials, who would be private citizens in Illinois, should quietly go at midnight, surround Mr. Armour's house in Chicago, capture him, carry him into Kansas, and there place him on trial before a Socialist judge and a Socialist jury. Would the men that kidnaped Armour violate any federal statute? Would they not be immune from prosecution under the supreme court's ruling?

The question involved in this case is whether there is one law for the workingman and another law for the rich employer. The supreme court's decision in the famous kidnaping conspiracy in Colorado and the action of high government and state officials in protecting a fugitive republican politician, charged with murder, lends color to my contention that there is one interpretation of the law for the poor and another one for the rich. The action of the governor of New Jersey in refusing to issue repuisition papers for Armour, the Chicago meat packer, who was charged by the New Jersey prosecutors with violating the anti-trust laws of that state is a convincing argument that there is one law for the poor and none for the rich. The methods adopted by the government's attorney in his prosecution of me and his refusal to take cognizance of similar acts on the part of bankers and others, strengthens our argument that there are two wholly different kinds of law in this country; and your decision will, if that decision upholds the action of the lower court, add to this belief in the public mind.

The government's attorney emphasizes the fact that this reward offer is printed in red. Out of curiosity, I asked a number of the leading ink manufacturers in the United States for what color of printing ink they had the greatest demand, and they replied, without a single exception, that they sold more red ink than all others combined, save one—black! Black is the emblem of piracy and has been since long before the days of Captain Kidd. Under its sable folds march the land thief, the predatory rich, the employer of little children, those who barter justice, the Wall street speculator, the petty gambler and grafter, and all those who plunder labor and oppress the poor. Black is the color of death. Red on the other hand, is the color of life; it glows with vitality; it is the badge of universal kinship. It has been from the days of Spartacus, down through the ages, the emblem of revolt against tyranny. Under the crimson banner the revolutionary patriots of 1776 fought and won their battles against the English king. Longfellow's inspiring poem to Pulaski, the Polish patriot who gave his life for American independence, immortalizes the red banner:

> Where, before the altar, hung
> The blood-red banner, that with prayer
> Had been consecrated there—
>
> Take thy banner—and if e'er
> Thou shouldst press the soldier's bier,
> And the muffled drum should beat
> To the tread of mournful feet,
> Then this crimson cloak shall be
> Martial cloak and shroud for thee.
>
> The warrior took that banner proud,
> And it was his martial cloak and shroud!

The original flag of the American revolution was red. The stars and stripes were added later by our rebel forefathers to distinguish it from the national emblems of other countries. It is a significant historical fact that red predominates in the flags of all countries with one exception—Russia. It is not surprising, therefore, that the government's attorney, who sails under the black flag, should seek to cast aspersions on the red banner.

If the liberties bought with the blood of our forefathers, who fought under the red flag, are to be preserved it will be by the men who today march under the crimson banner.

The theory of law that a man is presumed to be innocent until proven guilty was wholly overlooked in my trial at Fort Scott. I was convicted and sentenced before I entered the court room. I was not prosecuted as a presumably innocent man charged with an alleged violation of the law. I was prosecuted by partisan politicians, before a partisan jury, three of whom it was proved later had declared they were prejudiced against me, and before a partisan judge and on perjured testimony. But this is not the first time in the history of the world that this same farce has been enacted. When the ruling class of any epoch is forced to use such means to bring about the imprisonment of a man advocating revolutionary doctrines, it has always foreshadowed the dawn of a new era.

Several million men and women in the United States today believe that I have been prosecuted in the federal courts because of my political beliefs. It is true I am in revolt against the present capitalistic regime of graft and boodle and I have dedicated my life to the

Revolution of Tomorrow. Our cause will triumph in America just as it is winning in Germany, France and England. The Milwaukee Socialist victory is a prophecy of what will happen throughout the nation at no distant day.

By environment, training and economic interests, the judges who compose this court are opposed to me. You can no more impartially consider the questions involved in this case than could the judges appointed by the English king to consider impartially the questions which arose between that monarch and his American subjects.

In all controversies that arose between the master and his slave prior to the revolution of 1860, the federal courts made their decisions conform to the interests of the masters. It was from the slave owners that they derived their powers and held their position. No man openly antagonistic to the slave power could hold a position on the federal bench.

An examination of the decisions of this court—and your decisions are similar to those of all other federal courts—wherein the interests of the workingman conflict with the interests of the employer, is ample proof of the class charaacter of the federal judiciary. Dissenting from the opinion of this very court, in a case wherein a working girl was pitted against a great corporation, Judge Thayer said: "I dissent from these doctrines which seem to have been formulated with an eye mainly to the protection of the employers and with too little regard for the situation and rights of the employes."

As a militant member of the working class I frankly confess that I expect nothing from this court. A court of justice, so-called, which turns away a mangled working child, empty-handed, in defense of capitalist class property against working class life and limb, is not apt to look with favor upon one in revolt against such shocking inhumanity and the system responsible for it.

I know that this is the settled policy of this court. I understand why its decisions are in the interest of the employer and against the working man and working woman.

You are serving those to whom you are indebted for your position and responsible for your power. I am simply trying to show to the working class world, which embraces a great majority of the population, the character of the federal court, to which must be submitted their liberties and their lives. The federal court under capitalist misrule is essentially capitalistic in its sympathies, its interests and its decisions.

In this important work of educating the working class as to the true character of the courts, you are helping me. It was the Dred Scott decision that hastened the overthrow of chattel slavery, and as history repeats itself, we may confidently expect that the decision of the supreme court in the now famous kidnaping conspiracy, backed by the federal court's decisions in all other labor cases, will precipitate the downfall of wage slavery. When the toilers of the mill, factory, mine and farm once understand the true situation, they will realize that there can be no relief from judicial despotism until they use the power latent in themselves to abolish the present iniquitous system, based upon the legalized robbery of the nation's toilers and producers in which the courts are mere creatures of capitalist class rule and instruments of working class subjection. These workingmen will one day learn to choose their own judges and while these judges may know little of the intricacies of law and the chicanery of technicality they have an inherent sense of justice and they may be depended upon to serve their brothers.

Personally, it is a matter of no consequence to me what this court may decide in this case.

If this court concludes to sanction the scandalous methods employed to secure my conviction and the outrageous sentence imposed upon me for the commission of what Judge Pollock termed "a mere misdemeanor," I shall consider it the proudest day of my life when I enter the jail at Fort Scott, imprisoned because of my defense of the poor and oppressed. You will by that act increase my power a thousand-fold and carry my message to the toiling millions from sea to sea. Gladly will I make this small sacrifice in a cause to which I would willingly give my life.

PERSONAL AND PRESS COMMENTS ON ST. PAUL HEARING.

BY J. I. SHEPPARD, ATTORNEY, IN FT. SCOTT (KAN.) TRIBUNE.

At St. Paul, Minn., in the United States circuit court of appeals, on last Monday, for the first time in the history of the United States court of appeals, or of the supreme court of the United States, a man, who was not a lawyer, appeared in person before the court, and argued his own cause. The man was Fred Warren, of Girard, Kan., and he made a speech in defense of his right to criticise what he declared to be an unjust decision by the supreme court of the United States.

The court was held in a room dedicated to that purpose on the fourth floor of the government building in St. Paul. The Warren case was set for hearing at 10 o'clock A. M., on Monday, May 9, 1910. An hour before that time the courtroom was crowded with lawyers from all parts of the Eighth circuit, and with Socialists from St. Paul, from Minneapolis, and from all the surrounding country. One Socialist, a Congregationalist minister, went from central Iowa to be present at the trial.

While waiting for the court to convene, those present could see from the west windows the magnificent and lordly palace of James J. Hill, the railway magnate. The Hill home reminds one of the pictures of the great castles built by the feudal lords of history. This enormous building, almost overshadowed the federal court building, and I remembered that it is only recently Hill's principal attorney, in the state of Washington, involved himself and some of the highest judges of the state, in a scandal without precedent, in the legal history of the United States. It was discoverd and proven that this lawyer had furnished to the Washington court opinions which the court delivered in lawsuits in which James J. Hill and his railroads were involved. I wondered if it could be possible, as I looked at this towering mansion, whether the influence of its owner could reach the United States court of appeals and influence its decision!

A loud rapping on a desk, by a gray-haired, gray-whiskered court bailiff, announced the entrance of the judges, and pursuant to custom of the court, everyone in the room, lawyers, litigants and spectators arose as the three wise looking solemn judges dressed in black robes ascended the rostrum from the rear of the room. The bailiff in a loud voice then said: "Oh yea, oh yea, the Honorable Circuit Court of Appeals of the Eighth circuit of the United States of America is now in session. All those who have business with this court will now draw near, and the court will give ear to them. God save the United States, and this Honorable Court." The judges thereupon seated themselves, and the presiding judge began the call of the docket.

After two other cases had been disposed of in brief order, "The United States of America vs. Fred Warren," was announced by the presiding judge, reading from the docket which lay open before him. "Who represents the defendant?" In answer to this question, Mr. Warren stepped from the body of the courtroom, where he had been sitting beside his wife, passed inside the railing, and stood by a table used by lawyers who practice in this court, and, facing the judges, said: "I desire to speak in my own behalf." Then he began with a review of his case from its inception.

I have been more than twenty years at the bar, have heard some of the best and most distinguished lawyers of the country, but I have never yet heard any man state a case better or argue one more forcibly and effectively than did Warren at St. Paul. His object, he said, in sending out the letters with the reward for ex-Governor Taylor was to call attention to what he believed to be an unjust and dangerous decision of the supreme court of the United States, in the Haywood-Moyer case. And when he stated to the court, *"criticism is not a crime, and I know of no peaceable way to correct abuses by our officials other than by criticism,"* it was a new thought, and apparently had much weight with the court.

When he scathingly denounced the government's counsel, J. S. West, for urging, as one of the main reasons why the sentence should be affirmed, "That the offer on the envelope in question was printed in red," I wondered if this could be the same Fred Warren, who years ago as a little boy, carried messages for the Western Union Telegraph company here in Fort Scott. I wondered also if it could be possible that the heroic efforts this man is making for the working people will be unavailing. I thought at the time of another court scene, which occurred two thousand years ago, at Jerusalem, when the greatest humanitarian of the world for teaching and preaching the rights of men was taken before Pilate, and there the prisoner—Christ—spoke in his own behalf, and the judge said to those who accused him, "I find no fault in this man." As Warren proceeded with his speech, it seemed to me his judges were saying as Pilate said, *"I find no fault in this man."*

Warren finished by saying, "I want no benefit that is to be obtained in this case through technicality. There is but one question: Did I violate any law of the land when I criticised what I believed to be an outrageous decision by the United States supreme court against the rights of those who toil? I desire to have no other question considered. If your decision is adverse to me, personally, it makes but little difference. If compelled to go to jail for fighting the battles of the men and women who work, it will be the proudest moment of my life."

And judges, lawyers, and spectators alike, looked with open-mouthed amazement at the frail little man, who had just finished speaking.

He was asked bv one of his friends, immediately after the trial, how he had the courage to speak so boldly to the court, and how he could do so without hesitation, or apparent confusion. He replied, "I thought of my brothers and sisters in this great land of ours, who are working out their lives, under adverse conditions, and for inadequate pay, and I could plainly hear them saying, 'Now, comrade, is the time to strike a blow for us,' and while looking straight at the judges, I did not see the judges at all, but I saw the faces of those who suffer from oppression by the rich, and they seemed to be cheering me on."

ST. PAUL PRESS COMMENTS.

From *St. Paul Dispatch.*

In a courtroom crowded outside the bar with citizens of socialistic leanings, from both St. Paul and Minneapolis, Fred D. Warren, editor of the Appeal to Reason, of Girard, Kan., this morning made in person his plea to the United States circuit court of appeals for the annulment of a sentence of six months in jail and a fine of $1,500. The case was heard by Circuit Judges Hook and Adams and District Judge Henry T. Reed, of Iowa.

The government's side of the case was briefly presented by Judge J. S. West, United States district attorney of Kansas, who told how the editor had sent thousands of letters to various parts of the United States, whereon was printed on the outside of the envelope an offer of $1,000 for any one who would kidnap former Governor Taylor of Kentucky and take him back to the soil of that state where he might be arrested on the charge of murdering Governor Goebel. Sending defamatory language publicly through the mail was the charge.

Mr. Warren replied that at the time of the sending of those letters the ex-governor was already under indictment in Kentucky. He argued that if, as the courts had held, the kidnaping of George A. Pettibone, William D. Haywood and Charles Moyer from Colorado to Idaho to answer to the charge of the murder of Governor Steunenberg was legal, it was also legal to kidnap Governor Taylor and take him into Kentucky for a similar purpose.

"Personally it is a matter of no consequence to me what the court may decide in this case," he said. "If the court concludes to sanction the scandalous methods employed to secure my conviction, and the outrageous sentence imposed upon me for the commission of what Judge Pollock termed 'a mere misdemeanor,' I shall consider it the proudest day of my life when I enter the jail at Fort Scott, imprisoned because of my defense of the poor and oppressed. You will by that act increase my power a thousand-fold, and carry my message to the toiling millions from sea to sea. Gladly will I make this small sacrifice in a cause to which I would willingly give my life."

From *St. Paul Daily News.*

The fate of Fred D. Warren, editor of the Appeal to Reason, is in the hands of the United States circuit court of appeals.

Sitting as an appellate court in St. Paul today, Judges Hook, Adams and Reed heard the appeal from the decision of the lower federal court, Kansas, finding Warren guilty of violating the postal laws of the United States against sending scurrilous, defamatory and threatening matter through the mails.

The case was argued briefly today. J. S. West, assistant district attorney, appearing for the government, and Mr. Warren, though not an attorney, presenting his own case.

Mr. Warren made a clear presentation of the points in his favor and apparently created a favorable impression on the court and on the large number of Socialists who crowded the courtroom.

His language was temperate, for the most part, though he characterized the decision and methods of the trial judge as outrageous, and declared that the prosecuting attorney, judge and jury were prejudiced against him from the start on account of his political views and that for that reason it had been impossible for him to obtain a fair trial.

Mr. Warren argued that the language on the envelope was not defamatory and not a threat as claimed by the government. In the first place, he said, Governor Taylor was then under indictment and in the second place, though ordinarily the offer of a reward for the commision of a felony might be a thread it was not in this instance as all he meant by the word "kidnaping" was the seizure of Governor Taylor and his return to the Kentucky authorities.

In order to have kidnaping, he claimed, the prisoner must be kept away from the authorities.

SPOKEN LIKE A MAN AND A SOCIALIST.

From *Chicago Daily Socialist.*

Well done, Comrade Warren.

We do not know and we do not care much, and we think you care even less, what verdict the court may finally render on your case. The important thing is, what verdict will the workers render in the case of the indictment which you have drawn against the courts of the United States.

There was something large and strong about that speech to the court at St. Paul last Monday. It was not like other speeches. It did not limp and lisp in the fetters and phrases of language that have been created to conceal the meaning of the law and gain for it that respect which the ignorant give to the mysterious.

That speech was plain, straightforward English. It swept aside all the technicalities with which class law conceals the weapons by which justice is assassinated. It told the court that the real question in the case of the United States vs. Fred D. Warren was not whether some indictment clerk has dotted an "i" or crossed a "t", nor whether some judge had correctly drawn the line between the hairs that divides tweedledee and tweedledum, but whether *the kidnaping of a working man is legal and the suggestion to kidnap a capitalist politician is a crime.*

That is a question worth deciding.

There was something more than bravado in catching up the pettifogging appeal to prejudice made by the district attorney, who attempted to inflame prejudice by pointing out that red ink had been used in printing the envelope around which the controversy is supposed to be waged. Warren took this cheap lawyer's trick and suddenly made it a great question of principle. If our adversaries insist upon symbols, then let them abide by the symbolisms they invoke, and Warren did well in pointing out that from the days of the Spanish Main to Wall street black had ever been the chosen color of pirates and that the oppressed of the world had always chosen as the symbol of their brotherhood and their revolt against piracy the color that makes of one blood all the nations of the earth.

How the blind bats must have stirred and fluttered in the musty caves of the courts when this blast of fresh air was let in!

The judges will turn to the records in vain to find precedents for a decision upon the points Warren raised. Those points are not settled by a reference to precedents. *They are a part of the living present.*

Courts are bound to the past, to classes already decaying, to interests that are losing their power. Chattel slavery was already on the decline when the supreme court gave the Dred Scott decision.

Today the usurpations of the courts are not a sign of the strength of the class they serve, but of its weakness.

Like the court in "Alice in Wonderland," the courts of the United States are but a pack of cards, and when the workers realize how worthy of contempt they are class justice will be doomed.

Warren's speech did much to tear aside the mask that had helped to make the courts mysteriously powerful.

He pronounced a heavier sentence upon the court than it can ever pronounce upon him, for he pronounced the first words of a sentence that condemns these instruments of class rule and exploitation to revolution.

CONCLUSION.

CAPITALIST CLASS COURTS.

Criticism is not a crime. Honest criticism of the decisions of the judges and the acts of public officials is the strongest safe-guard of the nation's liberty.—*Said by Fred D. Warren in St. Paul speech.*

Again the attention of the reader is called to the tedious and inexcusable delay of the government in settling the Warren case. It is now going on four years since the "frame up" was organized to crush the Appeal. Two years elapsed between the date of Warren's arrest and his trial, due entirely to postponement by Judge John C. Pollock at the solicitation of his prosecuting colleagues.

Following the outrageous conviction and the wanton, unjust decision of the court denying a new trial after conclusive evidence had been produced which proved that perjured testimony had been used and that the jury was prejudiced in advance, the case was carried up to the Appellate Court, which was to convene in St. Louis, Mo., early in January.

Warren confidently expected his case to be heard at this time, as there could be no possible excuse for continuing it in the higher court, where duty was simply to weigh all testimony that had been used by both prosecution and defense in the first trial and either sustain action of the federal court, throw the case out entirely or remand it back to the lower court for a new trial. However, it was soon learned that this court had to juggle and "stahl" to a certain degree before it could get into action and perform its plainly outlined duty.

On an insignificant technicality the case was again put off from the January term to the May term when the Court of Appeals was to meet in St. Paul, Minn.

May 9th, 1910, just three years from the time Warren was arrested at Girard, he got a hearing before the exalted tribunal known as the Appellate court.

Monied interests, it can ever be noted, are always able in any court in the land to get immediate action or have action delayed indefinitely. On the other hand it may be noted that when labor interests become involved they get just what the courts decree, hasty action or action deferred, and those at bar have no voice or influence one way or the other. Is it any wonder the halo that has in the past enveloped the courts is beginning to disappear before the enlightening gaze of American workingmen?

And yet, while the system of Capitalism prevails it is hopeless for the people to expect anything else from its most virile bulwark. Is any one so ignorant that he cannot see the class character of the American courts? Judges, lawyers and the entire retinue of court officials will almost invariably and with scarcely an exception follow the course that will line their own pockets most substantially. They may be depended upon at all times to accept evidence, try cases and render verdicts in the interest of those who have the power and the backing of Capitalist corporations and governments owned and controlled by Capitalist corporations.

When we take into consideration the fact that the officials of this government from the president down through the courts and to even the postmasters in third-class cities are either directly or indirectly dominated and controlled by the Capitalist class, I ask you in all candor why the courts, which are undeniably the strongest bulwark of the present system, should be expected to follow any course different from what it does?

Behind the actions of the courts, government officials, pulpits and all other human activity, there is the dominating law of economic determinism. Individuals, institutions or governments cannot blind themselves to the fact that they invariably follow the line and do the thing that will result to their economic or financial benefit.

When corporations appoint federal judges, select candidates and furnish campaign funds for political parties, it is folly to expect their benefactors to do otherwise than work faithfully in their interests. (In other words, the one who pays the fiddler usually selects the tune.) They have done it in the past and they will continue to do it in the future. To do otherwise would be to commit poltiical suicide. To oppose the interests of the REAL RULERS of America (the Capitalist Class) to a point where the system upon which they fatten is menaced, means that those who do so oppose will soon find themselves among the discards, stripped of honors, with prestige gone and confronting inevitable political oblivion.

The case of Fred D. Warren has been manipulated and juggled and travestied in a manner that would make the kangaroo court of a railroad construction gang blush with justified shame. And yet those who have so wantonly abused the rights of this man, even as they have abused the rights of the American people for years, are seated in the high offices. They are the pillars of society, are honored members of the "best" circles and sop the people with charity donations and activity in the churches, while the unthinking and ignorant are deeply impressed with their influence and power.

May the day soon dawn when the people will awaken from their age-long slumber and barbarous dreams and drag down from their pedestal of privilege and autocracy the vultures and parasites who fatten upon their ill-gotten portion of the worlds' wealth, thus reducing the masses to lives of misery and poverty.

If the weary multitudes who produce the wealth of the world would escape from the thraldom of their present enslavement, they must awaken and demand the re-organization of society on an entirely new basis whereby those who do the most useful labor with brain and brawn will be the most honored, loved and recompensed. Then and not until then will justice triumph over injustice, freedom conquer slavery and the world be justified in calling itself truly civilized.